



## **REFERENCES TO THE WORDS ABOUT “LAND”**

**Specifically:**

**Land- Dispossession – Estate – Eviction- Expropriation - Farm– Farmer-  
Labor- Labour-Land Act -Motherland- Property–Redistributive-  
Resource- Tenure- Vacant Land**

**Truth and Justice Commission Report  
Mauritius**

**Dr. Mesut Yilmaz**



**THE CONFRONTING  
ATROCITY PROJECT**

**June 2021**

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**Note on access:**

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**Note on Word Frequency Query:**

Minimum 4 letter words were chosen (rather than 3 letter word length)

4 letter words were preferred so that years (such as 2020, 2021, and so on) can also be found.

**Note on software:**

The word references analysis was done by NVivo software.

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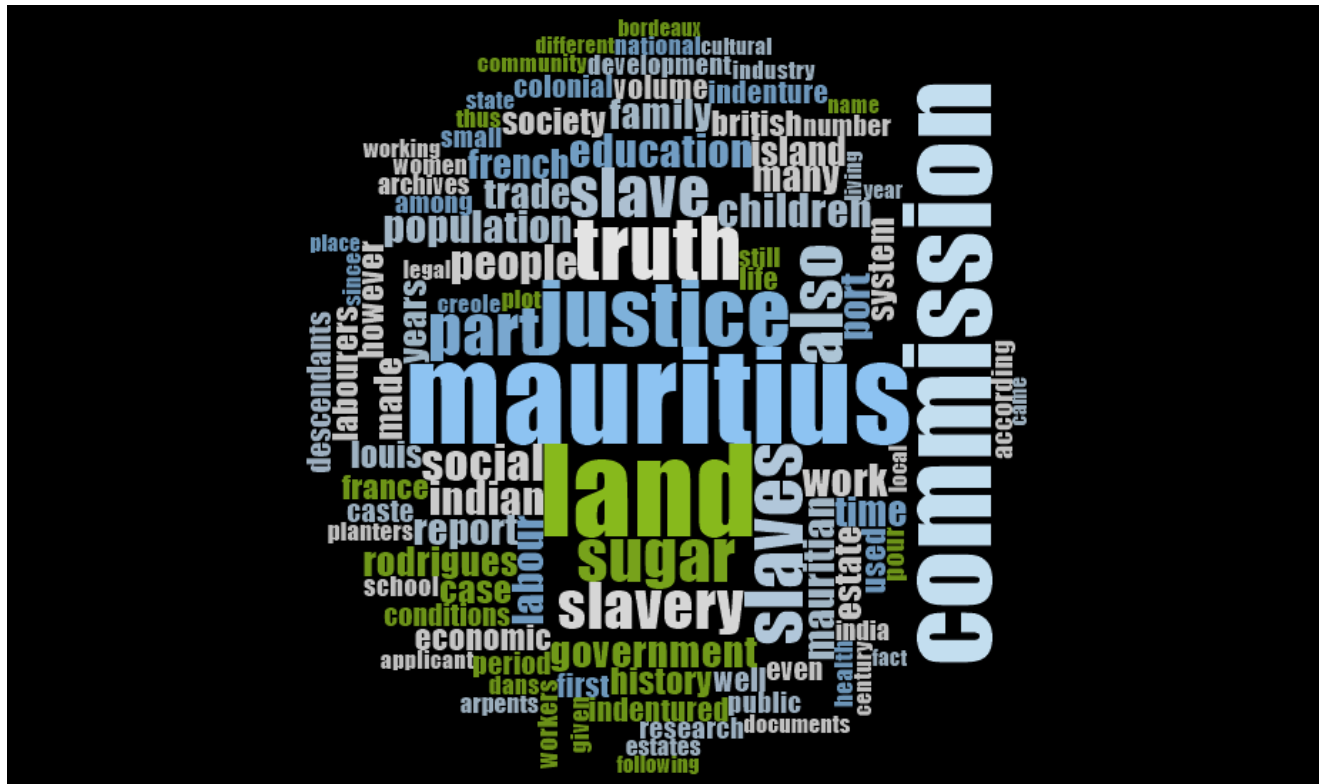
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### **Researcher Notes on the Truth and Justice Commission Report Details:**

- Published in 2011
- Pdf has 2887 pages
- Pdf has 4 volumes.
- Volume I is pages between 1 and 535.
- Volume II is pages between 536 and 1055.
- Volume III is pages between 1056 and 1997.
- Volume IV is pages between 1998 and 2887.



## Mauritius Report Word Cloud



## References to “Land” Word Cloud



**Name: References to Land in Mauritius Report**

<Files\\Mauritius.TJC\_Report-FULL> - § 1942 references coded [5.98% Coverage]

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of slaves and indentured labourers;

enquire into complaints, other than a frivolous and vexatious complaints, made by any person aggrieved by a dispossession or prescription of any land in which he/she claimed to have an interest; and

prepare a comprehensive report of

#### Reference 5 - 0.01% Coverage

before elaborating on the recommendations.

We shall elaborate on our observations on slavery and indentured labour first and then comment on the work undertaken to elucidate all cases of dispossession of land.

SLAVERY

As regards slavery, it

#### Reference 6 - 0.01% Coverage

allocation of food and housing.

Land acquisition by Indian immigrants was greatly facilitated by sugar estates owners in order to put to use much of the marginal lands held to maximize sugar production. The massive purchase of uneconomic plots of land through morcellement was another way to plough back whatever savings had been made by immigrant workers thanks to great personal sacrifice and hard work. It is true that by the year 1900 around 40% of the land surface under cane cultivation were held by Indian immigrants and their descendants; production was however on the low side less than 20 % of national output in sugar. But much of the land acquired were uneconomic in spite of invisible labour provided by the small planters themselves. This emerging class of small planters represented hardly a third of the bulk of Indian- Mauritians, the rest until the second half of the last century continued to lead a precarious life as labourers on sugar estates or as unemployed.

With the drop in prices

#### Reference 7 - 0.01% Coverage

higher education for their children.

The inside story of Indian immigrants and of their descendants continued to be marred by caste prejudice. Class demarcation was even encouraged on sugar estates when it came to appoint labour supervisors (sirdars). On sugar estates until recently the sirdars emerged as a class of employees who wielded considerable power and received higher wages and could thus acquire the best plots of land from estate managers. In spite of the fact that connection with India has been severed more than a century, caste prejudice continues to dominate much of the religious, social and political life among people of Indian origin while such prejudices become exacerbated at election time.

ECONOMY

The slave trade allowed

#### Reference 8 - 0.01% Coverage

exacerbated at election time.

ECONOMY

The slave trade allowed many in Mauritius and France, to accumulate wealth. This paved the way for investment in estates, land and business. The fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th indentured labour in

#### Reference 9 - 0.01% Coverage

20th

centuries; cheap, century. The

contribution of slaves, indentured labourers and their descendants towards wealth creation has been amply demonstrated in chapter one. Yet, in the 21st century, social and economic progress though impressive in many respects is still lacking in certain aspects: land ownership is still skewed in favour of the economic elite while certain groups, particularly of Afro-Malagasy origin, are landless. Recommendations towards a more equal redistribution of land for a more sustainable future Mauritius constitute a form of reparations for loss of land.

But the landless today were not always so. The pioneering work of Dr. Richard Allen, in highlighting the landownership of ex-slaves has shown how after abolition many ex-slave families purchased land during what he terms the 'early morcellement' period. Their subsequent dispossession of land manifested by the hundreds of land claims received at the Commission as well as visits and meetings with dozens of families is testimony to the fact that people of Afro-Malagasy origin were

Truth and Justice Commission 3

#### Reference 10 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION

not always landless. Many families of Indian indentured origin also obtained lands in the 19th century subsequently lost them in the 20th century. Those of mixed European and Asian and African descent termed 'Gens de Couleur' and many poorer whites also lost most of their land by the end of the 20th century.

It is not clear either why the Maurice Ile Durable project omitted the critical issue of land ownership or preservation of peoples' cultures as part of its agenda despite this being on UNESCO's list for culture as one of the pillars of sustainable development. How this was not raised and discussed in its public consultations is beyond the understanding of the Commission who has witnessed the flow of hundreds of families at the Commission, searching for long lost land.

Labour, which has constituted the

#### Reference 11 - 0.01% Coverage

co-operative values and principles.

Land speculation, poverty, greed of some family members, the corruption of officials and professionals, an ever encroaching sugar industry and laws that protect the traditional economic structure have ensured that landownership remains in the hands of the same traditional economic elite who have today been joined by members of the state bureaucracy, politicians and the new business community. There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys. The Commission's request for funds already earmarked since 2009 to help a few deponents survey their land was turned down by the authorities. Our Recommendations for Reparations for Mauritians who have been victims of land dispossession requires no less than a profound rethinking by this elite of its role in Mauritius and whether it wants to continue defending the morally corrupt system that exists. The writing is on the wall.

Truth and Justice Commission 4

#### Reference 12 - 0.01% Coverage

of slaves and indentured labourers;

enquire into a complaint other than a frivolous and vexatious complaint, made by any person aggrieved by a dispossession or prescription of any land in which he claims he had an interest; and  
prepare a comprehensive report of

#### Reference 13 - 0.01% Coverage

to discuss such a motion.

In August 2007, a task force was set up to work out the terms of reference of a Truth and Justice Commission. The members were: Professor Robert Shell, the Most Rev. Ian Ernest, Dr. Vijaya Teelock, Associate Professor Reddi, Mr. Benjamin Moutou and Mr. Lindsay Morvan. Its terms of reference were not vastly different from the first committee, except that the committee did not retain the objective of "identification of institutions and individuals responsible". At this stage, there was no mention of inquiries to be conducted on land issues. The scope of the measures for reparations was to be for structural reforms, more particularly to "set up institutions that would redress the injustice caused to the descendants of slaves and indentured labourers". When the Bill was finally presented in 2008, the Government had added a new objective concerning the land. This intensified the enormous challenge facing the Commission, bearing in mind that the subject of land is always contentious, and that unless there is the relevant documentation, it is extremely difficult to determine the true owner of the land in question. Nevertheless, the Commission accepted the added objective concerning land dispossession very seriously and has included a full report in a separate volume. As soon as the Truth

#### Reference 14 - 0.01% Coverage

number of consultants and staff.

It was further decided that there would be three broad areas of research; firstly, the revision of History from 1723 to 2009 (slavery, indentured labourers and identification of elements of History which have not been studied yet or hidden or not known, i.e., the caste system, post-1835 situation of ex-slaves, etc); secondly, the consequences of slavery and indentured labour on society. Thirdly, measures to achieve Social Justice. In addition, a number of critical specialist studies were undertaken on land, reparations, the role of religion and the collecting of views of people who are not so visible or vocal through Oral History.

There were a number of

#### Reference 15 - 0.01% Coverage

slave and indentured labour descent.

The challenge facing the Commission was formidable. Slavery was abolished 176 years ago and the vast gap between then and now presented almost overwhelming challenges to the Commission and its staff. This was further exacerbated by the fact that many of those who deponed before us often lacked even the most basic documentation needed to prove their ownership of land. Many, many hours and days were spent in the archives attempting to trace the missing documents, often without success because the state of the archives left much to be desired.

By far the overwhelming number of those who appeared before us claimed that they had been dispossessed of their land. The Commission scrupulously investigated each claim presented to us, but there is no doubt that this will be an ongoing task well beyond the life of the Commission, and we have included recommendations to Government concerning future ongoing attempts to be of assistance to those who still feel strongly that land is owing to them.

The Commission considered very carefully

#### Reference 16 - 0.01% Coverage

discrimination which exists in Mauritius.

##### 8. Land

One of the most vexing and complex challenges faced by the Commission was to try and be of material assistance to deponents who believe they have been unjustly dispossessed of their land. Many of those who have come before us have inadequate documentation and, in most cases, our search of the archives has not produced the missing documentation. In some instances, we have discovered that the land has been sold or prescribed. The Commission has also noted, with alarm and dismay, that some land consultants, some Notaries, some Lawyers and some Land Surveyors have misled, or have made promises on payment of money to, some of those who appeared before the Commission, and have never delivered.

The Commission is strongly of the opinion that a Land Monitoring and Research Unit be established as a matter of urgency. This Unit should be a permanent body whose main task will be to assist citizens to establish the facts concerning their search for land which they believe is rightly theirs. Unnecessary bureaucracy should be avoided at all costs.

The Commission recommends that the State considers granting small parcels of land to deserving cases. It further recommends that legislation be introduced which will give greater protection against those Land Consultants, Notaries and Lawyers who are a disgrace to their profession and unscrupulous in their dealings with those who seek their assistance.

##### 9. Housing

The Commission recognises

#### Reference 17 - 0.01% Coverage

is debt to the West".

"On the other side of the Atlantic, the African captives were cut off from their families, their land and their language. They were forced to be owned as chattels and to work as beasts of burden. When finally, emancipation day came – in the British colonies, in 1838 – the ex-slaves received nothing. It was the ex-slave owners who were compensated for the loss of their property".

"The slavery experience has left

#### Reference 18 - 0.01% Coverage

ii.

iii. iv.

v. vi.

land and housing; labour;

social and economic networks ( from

#### Reference 19 - 0.01% Coverage

##### INCREASED ECONOMIC AND SOCIAL EQUALITY

36. THE CREATION OF A LAND BANK with plots of land for farming and other entrepreneurial activities so that anyone who is a descendant of slave and indentured who has never owned land before and who wishes to engage in an activity that promotes autonomy be allocated a plot.

37. A JUNIOR SAVINGS ACCOUNT

#### Reference 20 - 0.01% Coverage

until the age of 18.

3. Parents must not be allowed to take money from their children's accounts. 8 LAND ISSUES

38. SETTING UP OF A LAND MONITORING AND RESEARCH UNIT A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.

39. FOR A NOTARIAL ACTS

#### Reference 21 - 0.01% Coverage

COMMISSION RECOMMENDS: i.

ii. iii.

That the work initiated by the Notarial Acts Database (outline of which follows) be continued by the proposed Land Research and Monitoring Unit as a matter of urgency.

That the server to host

#### Reference 22 - 0.01% Coverage

and to continue this database.

40. A LAND DIVISION OF THE SUPREME COURT Land Division of the Supreme Court should be set up in order to expedite matters.

Moreover, as regards the surveying issues, no amendment boundaries are to be accepted unless they are based on a proper survey supported by plans of acceptable standards and the satisfaction to the Land Monitoring and Research Unit.

9. FOR INCREASED ECONOMIC AND

#### Reference 23 - 0.01% Coverage

farming should be further encouraged.

52. LAND SETTLEMENT SCHEMES FOR FARMING, LIVESTOCK-KEEPING, INCLUDING PIG-BREEDING, To BE MADE AVAILABLE.

53. PROVISION OF AN 'ETHNIC



#### Reference 24 - 0.01% Coverage

Le Morne village have suffered.

80. The inhabitants of Le Morne and neighbouring areas are given agricultural land jointly held by them to engage in agricultural practices to enable them to increase their daily revenue and be autonomous as they used to be.

81. That the area known

#### Reference 25 - 0.01% Coverage

in the years to come.

93. Culture must occupy an essential place in the MID Policy and Action Plan. 19. LAND ISSUES

94. It is in the light of these findings that the creation of a Land Bank be envisaged as a panacea to land management.

Truth and Justice Commission 29

#### Reference 26 - 0.01% Coverage

Truth and Justice Commission 29

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 95. FOR A BETTER METHOD OF REGISTRATION OF TITLE OF LAND

96. Grouping together of all activities now concerned with land title matters into one Central Authority.

97. The introduction of the principles of title to land and the creation and maintenance of a Cadastral Map.

98. To avoid duplication of

#### Reference 27 - 0.01% Coverage

be properly filed and numbered.

101. The use of microfiches and microfilms should be introduced to archival existing land registration volumes and other archival documents such as concession plans.

102. It is high time

#### Reference 28 - 0.01% Coverage

the country.

PRESCRIPTION IN MAURITIUS

106. To do away with the whole procedure of affidavit and to provide for an alternative way to effect the transcription of prescribed plots of land.

107. It is the opinion of the Commission that the appropriate Protocol would be to exercise more control upon the averments of a person alleging to have prescribed a plot of land. There should be an institution which will ensure the truth of the said averments and which shall have the powers to investigate upon the

veracity of these averments. Further, before the same institution, an appropriate memorandum of survey would be required with the possibility of putting questions to the Surveyor.  
Although this system would not

#### Reference 29 - 0.01% Coverage

for non compliance or frauds.

The creation of a Land Research and Monitoring Unit which shall cater for the technical side of the search and an appropriate Tribunal to give legal sanction to a valid claim. The functions, powers and of this Unit are outlined below:

**FUNCTIONS AND POWERS OF THE LAND RESEARCH AND MONITORING UNIT** The functions of the Land Research and Monitoring Unit would be:

108. To receive legitimate complaints

#### Reference 30 - 0.01% Coverage

been dispossessed of their property;

109. To carry out an in-depth investigation concerning an alleged complaint or hold an enquiry into land issues, out of its own initiative or at the instance of interested parties;

110. To advise the applicant

#### Reference 31 - 0.01% Coverage

to draw up genealogical trees;

112. To study plans of grants, relevant Notarial Deeds and any other relevant documents related to land movement;

113. To provide, within statutory limits, assistance, financial or otherwise, to claimants as regards land surveys or other necessary actions;

114. To submit or refer

#### Reference 32 - 0.01% Coverage

**FOR A NOTARIAL ACTS DATABASE**

1. That the work initiated by the Notarial Acts Database (outline of which follows) be continued by the proposed Land Research and Monitoring Unit as a matter of urgency.

2. That the server to

#### Reference 33 - 0.01% Coverage

continue this database.

20. RODRIGUES

It is thus suggested that the Second Schedule of the Affidavit of Prescription Act should be amended to include information on the searches, made by the Surveyor, relating to the last known owner of the land being prescribed.

The legal status of land either in Mauritius or Rodrigues falls under three categories: 116. State Land; 117. Domaine Public inclusive of Pas Géométriques; and 118. Private Land

All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a category of land which belongs to the public at large by nature of its use: roads, beaches, sea, rivers and which are imprescriptible and inalienable.

The Private land is lands under private ownership which at a certain point in time either during the French occupation or the British occupation has been conceded/ granted to someone. There is thus no such thing as ownerless land.

Any professional being a Land Surveyor, Attorney or Notary should be able to trace back the owner of any land in Mauritius or Rodrigues.

It must be made mandatory

#### Reference 34 - 0.01% Coverage

of the last known owner.

At the same time, any Notice under the Affidavit of Prescription Act should be published with its appropriate location plan that will help in the identification of the land by the former owner.

No Notice of Affidavit of

#### Reference 35 - 0.01% Coverage

Truth and Justice Commission 32

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION OTHER LAND AND SOCIAL ISSUES IN RODRIGUES

THE COMMISSION RECOMMENDS 119. Adoption of a Physical Development Plan and of a Land use Plan. 120. Finalise the Land Information System 121. Ensure that projects are in line with defined strategies for land use development.

122. Provide accurate information on state land ownership status and development at any point in time.

123. Align and revise rental of land in accordance with market rates. 124. Improve legal framework for town & country planning and land use. 125. Regularise all eligible occupiers of State lands.

126. Respond to the land requirements of all Commissions for timely implementation of public projects.

127. Planning clearances for residential and commercial/industrial projects on state land prior and after lease of land.

128. A digitalised Cadastre of

#### Reference 36 - 0.01% Coverage

Rodrigues effectively established and updated.

129. Review of State land leases effectively for optimising Government revenue. 130. Grant of lease to applicants occupying state land. 131. Effective vesting of State lands and acquisition of private land for public projects.

132. Land Use Planning and management processes in place and promoting improved and sustainable land use

133. Effective land administration services in place, accessible to all and protecting the land rights of all citizens.

134. Lack of an endorsed framework for land planning and land use, thus encouraging a scattered pattern of settlements.

135. An efficient management of land resources with a view to achieving economic prosperity, social equity and preserving the natural beauty of the island.

#### OBSERVATIONS AND RECOMMENDATIONS

There is

#### Reference 37 - 0.01% Coverage

141 Incentive for a comeback

Agaleans have never possessed any land or houses on Agalega, so dispossession does not apply. In his statement in front of the TJC, on 18 August 2010, Mr. Soopramanien said that the Agaleans are not in search of money as compensation but of social services as Mauritians (TJC Hearing N0.381 - 396). However, Agalean descendants, who have been deported, and want to come back to be reinstated and recover their rights of earning their living on what they consider their mother land, or the land of their ancestors, should be given priority in contractual work according to their competence especially in the field of fishing, construction, agriculture, cultural and social activities etc. (Ref statement of Gino Alfred & Co. on 18/08/10. No.126, 155, 166, 252, 353, 391). An addendum can be made to the note on Article 3.10, p. 8 of Collective Agreement (Document II) as follow: This is not an agreement to exclude employees residing in the islands of Mauritius and Rodrigues. It should be applied on the basis of priority of consideration to interested and eventually qualified Agaleans and/ or Agalean descent residing outside Agalega.

4.3.2 of C

#### Reference 38 - 0.01% Coverage

a Food Program in Agalega

An intensive training program, adapted to the island conditions, and starting at school level, could be launched. Very often, experts learn through the experience of local people. The contribution and advice of elders, with their experience of Agalega, should thus be sought, and plots of land, on a symbolic rental basis, could be allocated to interested families, for gardening and/or farming.

iv. v.

Bassin Capucin, the

#### Reference 39 - 0.01% Coverage

all facts are at hand.

In dealing with land issues, for example, public perceptions of dispossession have been investigated with the same guidelines, and this was the role of the Commission. It had no mandate to declare ownership but rather to reveal the strategies and mechanisms by which land had been lost or stolen, if at all, and suggest remedies. But it must be remembered that these structures and institutions have been in existence for centuries, and TJC alone will not budge established institutions that have benefitted materially, either

directly or indirectly, from the enslaving and indenturing hundreds of thousands of people. This was achieved, let us remind ourselves, not only through theft, kidnapping, deception and fraud, but also by very legal means.

## 2. OPERATIONAL ASPECTS

The Commission

### Reference 40 - 0.01% Coverage

Measures to achieve Social Justice.

2.2 In addition, a number of critical specialist studies to be undertaken on: 1. Land; 2. Reparations; 3. Church; 4. Collecting views of people

### Reference 41 - 0.01% Coverage

slave trade and indentured immigration;

e. Reparations in USA and applicability to Mauritius. Project No. 3 Land issues:

a. To analyse the problems

### Reference 42 - 0.01% Coverage

among slaves, indentured and descendants;

b. Creation of land transactions database; c. To enquire into cases of dispossession of land.

Project No. 4 Culture, Ethnicity

### Reference 43 - 0.01% Coverage

abandoned cemetery at Le Morne.

Less successful and less popular were the treatment of cases dealing with land issues, and these proved the most intractable of issues and met with mixed success.

Management of controversies were also

### Reference 44 - 0.01% Coverage

contain audio and film material.

Volume I contains the Commission's report and covers all topics falling under the mandate of the Commission, namely the history of the slave trade, slavery and indenture; the economics of slavery and indenture; legacies, consequences and continuities; racism and casteism; education and health, land reform, social justice, ending with main findings and recommendations. The last part of the recommendations is a consolidated version with those considered high priority on top of the list. A time-frame for implementation is also included.

Volume Two consists of papers prepared by the Land Team on Land issues in Mauritius, as well as the results of the analysis by the same Team on the 340 claims concerning land dispossession. It is divided into a History of Land Tenure section, detailed studies on selected topics such as Lack of capital, prescription and

a summary of each case and the main findings of the Land Team. As Commissioners were not Land experts, the Commission has borrowed heavily (but not exclusively) from the Report of the Land Team to make its general findings on cases being heard before the Commission.

Volumes Three and Four consist

#### Reference 45 - 0.01% Coverage

trips, surveys and site visits.

Volume Six consists of the databases created by the Commission for use by the institutions that the Commission has recommended be created, such as the Genealogy Centre; the Land Research Unit; the Conservation Institute; the Slave Trade and Indentured Immigration Database. It also contains the numerous data collected by the Commission, in the form of digital photos of documents and reports.

Truth and Justice Commission 51

#### Reference 46 - 0.01% Coverage

Chacoory Charlot

Doba Dobee Ghoolet

Consultant (part time) Digital Archivist (PT) Land Consultant

Legal Advisor

Attorney at Law

#### Reference 47 - 0.01% Coverage

PT) Land Consultant

Legal Advisor

Attorney at Law Land Surveyor Land Surveyor

Public Relations Officer(part-time

#### Reference 48 - 0.01% Coverage

Mauritius Agricultural Co-operative Federation

Ministry of Agro-Industry and Food Security (Land Use Division) Ministry of Housing and Lands

Ministry of Business, Enterprise, Cooperatives

#### Reference 49 - 0.01% Coverage

French Colonial Period (1715–1810)

In 1715, the French took possession of Mauritius and renamed it Isle de France, thus following in the footsteps of Dutch Colonialism. There was no settlement until 1721, and up to 1735, Isle de France was administered from Réunion Island, then known as Bourbon.<sup>1</sup> The island was also ceded to the French East India Company.<sup>2</sup> By 1726, land grants were made to the colonists; the upper classes

(i.e., l'état major de l'île) obtained 126 hectares (i.e., 312 arpents or multiples of it) known as "grande concession", whilst soldiers and workers obtained 63 hectares (156 arpents) known as "petite concession."<sup>3</sup> Any attempt to develop agriculture created an increasing demand for labour. There was a third category of land grants: smaller areas of land within conglomerations.

Regulations governing the grants included asking colonists to cultivate their land within a period of 3 years, failing which, they would lose it. Each colonist was also given 20 slaves. In return, the colonists had to pay yearly one tenth of their produce to the French East India Company. Any attempt to develop agriculture created an increasing demand for labour. According to Loughon, 156 ships called at Mauritius between 1721 and 1735, prior to the arrival of Labourdonnais, most of them being Company ships.<sup>4</sup> A total of 650 slaves, according to Filliot, were brought to Mauritius from Madagascar, Mozambique, India and West Africa.

International trade and, in particular

#### Reference 50 - 0.01% Coverage

of Cape of Good Hope.

For the sake of completeness, it is worth noting that the third wave of British Colonialism reflected the changes happening in the industrial and financial developments of the European Colonial Powers. The demand for raw materials, labour and land became more and more important, leading to a scramble for Africa.

In the 19th century, Britain

#### Reference 51 - 0.01% Coverage

workers from India and France.

The rigid class and racial hierarchy was further consolidated and worsened during the Napoleonic period under the governorship of Decaën (1803-1810). Landownership was concentrated in the hands of the French colonists. Environmental damage was done as a result of the use of fire to clear land for the export of wood.

The Colonial State in Isle

#### Reference 52 - 0.01% Coverage

1835): Value of Slave Labour

Following the British conquest of Mauritius in 1810, Mauritius became a Crown colony in 1815 and had access to the British market for its sugar. However, the sugar planters in Mauritius had to pay an additional 10 shillings per cost duty for their sugar compared to the planters from the British Caribbeans. By 1825, there was the equalization of tariffs which gave a major boost to the sugar production. The land under sugarcane cultivation more than doubled for the period 1821 to 1830, from 10,504 hectares (26,000 arpents) to 24,038 hectares (59,500 arpents) between 1844 to 1850. Sugar production doubled from 10.9 metric tons in 1825 to 21.2 metric tons in 1826 and reached 41 metric tons in 1840.

It was the beginning of

#### Reference 53 - 0.01% Coverage

of the situation in Mauritius.

From the mid-1830s onwards, Indian indentured labourers were imported into Mauritius from a reservoir of very cheap labour in British India. British policies in India on land had already caused an increase in landless peasants and internal migration. With the maintenance of slavery in India, there is no doubt that, to some extent at least, this had contributed to the depression of wages of the Indian labour force; in turn, the prospective indentured labourers would be in a position to accept very low wages.

Thus, the following question arises

#### Reference 54 - 0.01% Coverage

of the planter Henry Barkly.

Secondly, the emancipated enslaved people perceived their freedom in terms of retaining their rights to free housing and to cultivating plots of land allocated to them during the days of slavery for years. The abolition of slavery could only mean a betterment of their living conditions, together with reasonable wages. Instead, they were asked to surrender these rights in the name of freedom. In his paper, Douglas Hall reproduced the following statement by H. Barkly, in response to a question from Mr. G. Berkeley, a member of the Select Committee of the House of Commons, on the West India Colonies in 1842:

"I was told by the negroes on Highbury estate, when I went there, that it was all nonsense that the Queen made them free without giving them a free house and land, and they called upon me to carry out that proposition, by giving up the houses and grounds."

In Mauritius, attention has been given to the notion of freedom of slaves as defined by the owners and Imperial Britain; the notion of freedom by the ex-enslaved peoples has been given very little attention. It is appropriate that the notion of freedom of the enslaved peoples by those very peoples be given due consideration in the light of the views and feelings of the enslaved peoples themselves. Is it not legitimate and logical that the emancipated enslaved peoples wanted not only freedom, but the minimum conditions necessary to make that freedom effective? They made it clear that shelter in the form of a house and food in the form of a piece of land, which they could cultivate, were those minimum conditions. Yet, they contributed significantly to wealth creation for the slave-owners and for the British Empire. Indeed, they were ahead of their time in terms of economic and social rights of peoples across the world and across time, duly recognised today.

In Mauritius, the planters paid

#### Reference 55 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Government of Mauritius, the French plantocracy and the British traders/financiers converged consciously in implementing a cheap labour policy which knowingly would do much harm to the emancipated enslaved peoples. The latter were excluded from the mainstream economy, deprived of any wages and of any land and housing in an increasingly monetised capitalist economy. The subsistence economy, to which the apprentices were used, was threatened by the capitalist economy and by increasing pressure on land by the expanding Sugar Industry. Their marginalisation and exclusion would be accelerated with the massive importation of indentured labour. It is important to note that the importation of indentured labour started in the late 1820s somewhat scantily. Moreover, in 1834, before the abolition of slavery and the end of the apprenticeship period, indentured labourers from India were imported on a rather large scale and worked side by side with the slaves and later with emancipated slaves: the low wages of the latter depressed those



of the apprentices for their extra-service. By 1839, by the end of the period of apprenticeship, about 25,000 indentured labourers had been brought in.

The emancipated slaves were logically

#### Reference 56 - 0.01% Coverage

material for the Agro-Industry.

However, following the economic crisis of 1847, there was a brief revival of an imperial preference for colonial sugar, but by 1874, all sugar tariffs were dismantled. Mauritius then went through some very tough times from the 1880s till the 1940s. On top of low sugar prices, stiff international competition demanded that costs of production should be reduced. German subsidies depressed world prices which applied to transactions in all markets. Competition from Java, and even Germany and Austria, in the main markets of Mauritius required a significant lowering of costs of production. This meant capital investment in the modernisation of factories and an improvement in terms of sugar-cane cultivation. In the latter case, very cheap labour was of great help to the plantocracy. In the former case, there was the 'grand morcellement', whereby the plantocracy mobilised funds by selling land to traders, middlemen, sirdars and ex-indentured labourers. Further, there was the merger of factories which had already started since the 1860s; this process is typical of the Capitalist System, as highlighted at the Mauritius Sugar Industry Conference of 1927 by the following statement:

"In relation to the reduction

#### Reference 57 - 0.01% Coverage

##### 1.3.2 Indentured Labour

Sustained importation of indentured labourers from India started in 1834, prior to the abolition of slavery on 1st February 1835 although Indian labourers were introduced privately as early as 1826. Whilst the indentured system provided for wages to be paid to the labourers and did not deny them the right to own land as opposed to the slave system, the living and working conditions of the indentured labourers were very harsh.

Following the suspension of the

#### Reference 58 - 0.01% Coverage

##### Transformation of the Sugar Industry

The impact of international competition, especially with the development of European beet sugar and Britain's policy of free trade was such that the Sugar Industry had to innovate, to bring in new machinery, to improve upon the manufacture of sugar, to develop new cane varieties and to improve field work. In particular, this process demanded a restructuring of the Industry; small family-owned sugar estates and factories merged to produce company owned sugar estates. A process of centralization of factories and concentration of capital began. This process demanded much capital and the parcellisation of land provided the means by which capital could be mobilized. The sales of plots of land to Sirdars, traders, middlemen, free Indian passengers and exindentured labourers occurred during the grand morcellement as from the 1870s; this process gained momentum in the 1880s and the 1890s.

The economic transformation of the Sugar Industry through land parcellisation brought about the creation of a class of Indian small planters. Whilst initially, about 1,500 such planters became landowners, thereafter in the 20th

century, that number would increase dramatically to about 40,000, when more than 30% of sugar cane land was owned by this new class of planters.

Concurrently, the transport and presence

#### Reference 59 - 0.01% Coverage

the Depression of the 1930s

With the First World War, there was a temporary shortage of sugar on the world market and prices shot up in 1921. The sugar estate factory-owners invested accordingly in sugar manufacture. The small planter community bought more land in the hope of increasing its revenue. But the boom was temporary; the finances of the Sugar Industry were strained and many small planters had to abandon their land by the end of the 1920s.

The British Imperial Government once

#### Reference 60 - 0.01% Coverage

of the problems of industry”.

Nevertheless, there were some initiatives by the Colonial State to satisfy the demands of the small planters community; for example, the setting up of ‘The Sugar Millers and Planters’ Central Arbitration and Control Board’, which dealt with the apportionment of sugar to the small planters when they sent their canes to the sugar millers. Furthermore, there was the Land Settlement Scheme in the 1940s; the cooperative movement was enhanced as from the late 1940s.

As far as the labourers

#### Reference 61 - 0.01% Coverage

TRUTH AND JUSTICE COMMISSION Introduction

The slave trade permitted many in Mauritius and France, to make small or big fortunes. That latter were invested in estates, land and businesses. The fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th centuries. To more fully document this trade for present and future generations, a Slave Trade database was started and is recommended to be an on-going project which TJC has requested the University of Mauritius and the Nelson Mandela Centre to continue jointly. It will hopefully continue to link up with existing scholars and institutions, such as Thomas Vernet, Benigan Zimba and Richard Allen, to name a few, to pursue the analysis of the slave trade. Younger scholars need to be trained to take up the task and scholarships provided to go overseas.

As far as slavery is

#### Reference 62 - 0.01% Coverage

deserve to be better known.

The slavery report is, therefore, divided into two parts: the first part in Chapter Two covers the historical period of slavery, slave trade focussing particularly on aspects of the French period of slavery. The second part in Chapter Four examines briefly the transition that ex-slaves experienced. This topic has been the subject of study by many historians and much comparative work has been undertaken within the Caribbean, the USA and South Africa. Mapping the mobility must be strongly recommended as evidence points to land dispossession of large numbers over the years but defining moment for the ex-slaves which sealed their fate has not been done yet. Their mass conversion to Catholicism, particularly during the epidemics, and the continued hold of the Church on directing the actions of ex-slaves and their cultural orientation are briefly examined as one possible defining moment. The Church has played an important part in legitimizing the actions of plantation owners which resulted in curtailing the cultural freedom and physical mobility of descendants of slaves. The chapter also analyses how the population changed from being 'AfroMalagasy' to becoming 'Creole'. Did they become citizens?

Recommendations relating to the history

#### Reference 63 - 0.01% Coverage

belonging to the Government. 145

Manumission, as reward, was also given to slaves having participated in the Maroon Detachment who went to 'hunt' maroons. Poivre complained bitterly about the freedom given to these slaves as Maroonage had started once again. The Governor had freed the whole Maroon detachment as well as their wives and children and given land to cultivate. 146

Inter-ethnic and inter-religious

#### Reference 64 - 0.01% Coverage

foods to supplement their rations.

Although conditions surrounding the land grants stipulated that 1/3 of the land had to be planted in provisions for slaves, the fact that the Code Noir contained clauses relating to punishments for stealing food products and animals suggests that the foods rations were insufficient and that slaves had to steal for their subsistence. However, most of the time, rations were inadequate and slaves had to fend for themselves to feed their families and themselves. The revised Code Noir of 1723 did not specify a food ration in quantitative terms but left it to the local administrators to decide, although their recommendations had to receive the prior approval of the French King before implementation.

Mauritius was an uninhabited island

#### Reference 65 - 0.01% Coverage

grains were imported from Madagascar.

By 1766, less than 200,000 of the island's 400,000 cultivable arpents had been distributed to colonists, and less than one-fourth of all granted land had been brought into production.

Diet of slaves

Slaves were

#### Reference 66 - 0.01% Coverage

crop v/s staple foods

By the 19th century, the practice of reserving one-third of estate land for planting food provisions for slaves was not widespread and many estates were in a state of abandon. The area of cultivation of manioc or cassava (a staple of the slave diet) had been more than halved. Far more spectacularly, the area under cultivation of the various grain crops almost disappeared. Therefore, when required, sugar estate owners bought food supplies from the Government or small estates to feed their slaves. The smallest estates produced only what was necessary for subsistence. The living conditions of the slaves and owners were not vastly different and many of the owners were themselves destitute and could not feed slaves. On smaller estates, that had enough land, it was common practice to allow slaves as much as they liked.

On sugar estates, slaves were

#### Reference 67 - 0.01% Coverage

slaves in Isle de France.

##### 1. Clearing of land for settlement and agriculture

Without clearance of land, there would have been no colonial settlement. Land needed to be cleared to build the first houses and offices, cultivate the land and build roads and bridges. Slaves were given to colonists to undertake this 'colonization' of the land. In the 1730s, the first land was cleared by 12 to 15 slaves using axes to cut down the forest which covered the whole island at that time. Genicourt recommended using Malagasy slaves who were 'better workers' because 'Guinean' slaves had a tendency to maroon. Later, however, this view of Malagasy slaves changed drastically. There was also dissatisfaction that the Company was keeping the best slaves for itself.<sup>169</sup>

No better direct evidence of the crucial importance of slave labour for the expansion of the colonial economy is available than the report based on the census carried out in 1763. The relationships between land, labour and capital is clearly shown (Table 2). Distribution of slaves, after a slaving voyage, was not carried out efficiently with the result that many large estates with potential for cultivation could not do work to maximum capacity because they received an

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#### Reference 68 - 0.01% Coverage

Agricultural: 6,312 31,908

The census revealed that of the 67,389 arpents of land granted, 3,708 were uncultivated due to the absence of slaves. Since the establishment of the colony, it was found that those who had the most slaves were not those who were contributing to expanding the stock of food on the island. Some slave-owners did not even own any land.

In Plaines Wilhems, for example

#### Reference 69 - 0.01% Coverage

Remaining - with  
slaves and estate

Acreage and land

Male slaves

#### Reference 70 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

The only work which they refused to undertake, according to official reports, was to cultivate the land. No doubt they did not want to be associated with slaves, even though they were not all materially better off.

According to Jumeer, many Indian

#### Reference 71 - 0.01% Coverage

property-ownership by non-Whites.

When we consider the number of land claims being made before the Commission, by the non-White population of Mauritius, laws that prevented or blocked property-ownership by non-Whites became even more significant. The official policy to stop free non-Whites or slaves having any say or controlling any part of the property of white children was very strong, and this provided the philosophy behind the additional clauses brought by Decaen to the French laws.

A full study of the revoking of manumissions and land transactions by non-Whites, through the implementation of the Colonial Civil Code of Napoleon, needs urgently to be undertaken. This Code was promulgated in Mauritius on 3 September 1805. Another supplement, on 23 October 1805, was specially designed for the colonies and made provisions for exceptions and additions.<sup>229</sup>

For the first time, the

#### Reference 72 - 0.01% Coverage

society which was emerging.<sup>231</sup>

As with most neglected histories, they come to light only when the criminal records mention them. Thus Delpont, probably the most famous of them all was accused of multiple crimes: receiving stolen goods, encouraging slaves to steal and giving them resources to steal, squatting on 'unconceded' land etc.<sup>232</sup> Despite all this, they did enjoy the benefits that having a whiter skin colour proffered on them. A black skilled worker would never be equal to a white skilled worker in French Mauritius.<sup>233</sup>

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#### Reference 73 - 0.01% Coverage

a 7-day working week.

Anyone familiar with sugar plantation work knows full well the immense effort required to clear land for sugar; that this was done manually without any modern equipment is today unthinkable. Yet, this was the case from 1815 to 1835. Mechanisation occurred in the mill but hardly on the plantation field itself. The human and material costs to the slave population at the time and the consequences for the slaves will be summarized here.

Material conditions of slaves

□ Increased

#### Reference 74 - 0.01% Coverage

of literacy of its population.

What were the conditions of indentured labourers on estates? Did all indentured labourers work on sugar estates? Were all indentured labourers Indian or Hindu? Did all indentured labourers obtain land and become educated in baithkas? These are some questions we have answered through fundamental research on demography, landownership and education, as well as detailed histories of families and their lives in Mauritius. Just as it has been stated that one cannot generalize for the slave population, so one cannot do so for the indentured population: the family and life histories presented in Volumes 3 and 4 here show the immense variety of indentured experience, and it is clear that more such family histories, using interdisciplinary methodologies, need to be compiled.

It has been common in

#### Reference 75 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Landownership has also been a sensitive issue in Mauritius, but Indian immigrant's acquisition of land has only been studied in depth by Richard Allen. Métayage was another form of 'landownership' but what proportion of indentured labourers, out of the presumed 453,000 who arrived, actually owned land is still not clear. Today, this group of landowners, commonly referred to as 'small planters' and métayers, are facing a crisis as sugar estates reaffirm their control over their land. As these close down, métayers turn to other occupations. It has not been easy for these vulnerable groups to cope with the rapid social and economic changes, where the services which they provided to the Sugar Industry since the 19th century are no longer required

#### Reference 76 - 0.01% Coverage

in the new economy. Financial

Compensation given by sugar estates, and Government subsidies to retrain do not compensate for the sense of loss felt by many of the descendants and even of the loss of identity which had been defined through their attachment to land and the cultivation of sugar. The Voluntary Retirement Scheme (VRS), introduced to help sugar industry workers face the restructuring of the Sugar Industry, is also analysed in the Conclusion below and in Volume 4, 6.6.2.10-11.

How far as descendants still

#### Reference 77 - 0.01% Coverage

quite the opposite. The work

By 1839, they could be found in three groups: around 1,979 Africans employed privately by mostly British officials, British residents and some local planters. For example, Charles Telfair had 91 of them. Another group was employed in the Offices of the local British administration and the third were enlisted in the land and sea forces. Governor Farquhar and the members of his inner circle hired 560 apprentices, or just over 23% of them.<sup>240</sup>

Their economic contribution to Mauritius

#### Reference 78 - 0.01% Coverage

Australia. Further research is required.

On 10th September 1834, 36 'Hill Coolies' of the Dhangar group (originally from the hills of Bihar in Eastern India who were then living in Calcutta) signed a five-year labour contract with Arbuthnot and Co. Their labour contract was written in Bengali. The salary for the males was Rs. 5 per month, while for female labourers, it was Rs. 4 Rupees per month. The sirdar's salary was Rs. 10 per month and the assistant sirdar around Rs. 8 per month. They all received six months' pay in advance before boarding the Atlas. One rupee was deducted by Hunter Arbuthnot & Company to pay for the return passage to India. They had paid for the immigrants' journey from Calcutta to Port Louis. They were also to be provided with food, clothing, lodging and medical care. The ship also carried a large cargo of rice. On the 3rd November, Monday morning, Arbuthnot wrote to Governor Nicolay, requesting that: "they be allowed to land 36 Hill Coolies from the ship Atlas, whom they intend to employ on their Estate, under guarantee that they shall not become a charge on the Colony." Permission was granted. These first Indian labourers were, according to Brenda Howell, "the pioneers of a migration which was eventually to transform the character of Mauritian life and industry." Between November 1834 and April 1839, during the first wave of Indian immigration, around 25,468 Indians were introduced, amongst whom were around 23,281 males, 727 females and 175 children. Almost 15,000 came from Calcutta and Bombay and over 9,000 from Madras and modern-day Andhra Pradesh. More than half of these first Indian immigrants belonged to rural tribes, known as the Oraons, the Mundas, Bhumjis, and the Santals. In his report, Hugon categorised the 14,500 from Calcutta, but not from 'Hindustan', as follows:

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#### Reference 79 - 0.01% Coverage

Bhuddoo, Boodhoo, Mungooram, Muneeram, Rameeram.

These were preferred by recruiters because they were extremely hardworking on the island. However, due to the fact that they suffered the most during sea voyages, and the mortality rate was highest among them, tribal immigration was slowly discontinued. Their story in India, before their departure, is yet to be written, although the closure of indigo factories, being pushed out of their forest and hills by British land settlement and mining policies, contributed to their willingness to emigrate.

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#### Reference 80 - 0.01% Coverage

rosy than is usually presented.

Sugar estates needed, not only to maintain sugar production, but to expand, and so it was crucial to maintain Indians in sugar production as no one else would do it. Manual work was despised and no Gens de couleur would deign to labour the land. Sugar estates, thus, sold or leased to the Indian immigrants so that they could continue producing sugar and supply it to the sugar estate. This intimate relationship between planter and labourer, turned small planter, emerged, and to this day this remains a highly problematic one. The métayers' dependence on the good-will of the mill and estate owners for land leases was always, and is up to today, fraught with difficulties. Despite political will, it does not appear that the métayers and small planters have benefitted as much as the big planters/millers from the millions given by the European Union to palliate the negative effects of abolition of a guaranteed EU market for Mauritian sugar.

Roland Lamusse, the most Senior

#### Reference 81 - 0.01% Coverage

looking for a better future.

Our research, among mainly Bhojpuri-speaking groups in particular, has led to some conclusions. In India, the caste hierarchy is more flexible among Indian Bhojpuris. Bhojpuri Brahmins are not the fierce defenders of socio-religious orthodoxy which they are in other, more territorialized, regions such as Mithila, for instance (Servan-Schreiber 1999). Many institutions are opened to all, and Bhojpuri leaders do not promote an elite and Brahminic culture. Bhojpuri leaders more often address the unifying power of the language in their speeches. In Bhojpuri land, so they stress, it is as important to speak Bhojpuri as to be Muslim or Hindu, or to be Chamar (low caste leather worker) or Brahmin.

In Mauritius, the real caste

#### Reference 82 - 0.01% Coverage

reproduce the Indian social structure.

In the camps, the absence of spatial segregation and of occupational specialization is presented as incompatible with castes' rules and regulations. But detailed reports from sugar estates show that, when requested, estate owners acceded to high-caste immigrants', and Muslims', desire to be housed separately from other (lower caste) immigrants breeding pigs. Thus, the caste system did survive in spatial arrangements on estates and as important criteria in private life, especially as far as marriages were concerned. As for settling regulations when it comes to acquiring land, Allen notes that "it was not uncommon for persons of the same or comparable caste status to purchase land near one another in a specific locality" (167), adding that other criteria were to be considered, such as religious affiliations and jahaji bhai relationships.

Regional origins were yet another

#### Reference 83 - 0.01% Coverage

16).

Food production and supplies

On some estates, Indians cultivated vegetables and reared animals such as cows, goats or pigs. Estate owners allowed the rearing of animals inside the camp, in order to encourage labourers to stay on their estates. In the same way, some planters provided land to labourers for them to cultivate gardens. Rice and dhol and other Indian food items were imported. Rice was imported from Madagascar and Java, and increasingly from Bengal, when Indian immigration intensified. The quantity of rice imported and supplied to the workers depended sometimes on food prices abroad. The 1860s were particularly difficult when the price of rice shot up in India, because of poor harvests caused by floods. In the second half of the century, Indians could buy certain food items from the shops on the estates or from hawkers. There were complaints about the high prices of foods such as poultry, pigs, goat, fruits and vegetables.

Many Indians had other food

#### Reference 84 - 0.01% Coverage



the economy of the country.

In 2006, the Mauritian Government proposed the Multi-Annual Adaptation Strategy for the Action Plan 2006-2015 indicated that small planters, i.e. those cultivating less than 10 hectares, cultivated some 26% of land under cane in 2006. This percentage would come down as a result of land conversion and cane abandonment, but this category of producers would still cultivate some 20 % of the total area under cane. This statement proves to be partially the truth nowadays, with the frequent land abandonment issues by small planters, due to high costs of production, a rise in unemployment and agricultural lands being converted into residential properties, used for construction purposes, and with the great pace of urbanisation. The sustainability of the small planters (cultivating 10 hectares or less) and the reliability of the supply of their canes, hold the key to the future viability of the sugar cane cluster.

Métayers - A Forgotten Community

Métayage

#### Reference 85 - 0.01% Coverage

cluster.

Métayers - A Forgotten Community

Métayage, also known as sharecropping, emerged in 19th-century Mauritius after the abolition of slavery and again after indenture. Métayers were ex-slaves and ex-indentured labourers who were provided with a plot of land on the sugar estate where they resided, with the clear agreement that they grew sugar cane for delivery to the estate factory. They did not pay any type of rent money for the estate land where they grew the sugar cane, "but they received less than the ruling market rate for the cane supplied, which was equivalent to payment of a concealed ground rent in kind."<sup>307</sup> Estate owners did not give land to anybody; it was usually as elect group whom they knew very well and had worked for them for several years.<sup>308</sup> By the mid-20th century, the majority of the métayers were monthly workers who had worked for many years on the same sugar estate and had resided for years in the estate camp and in the nearby villages. <sup>309</sup> From the 1920s onwards, however, the importance of the métayers declined. Today, they form a very small class of small sugarcane growers with their numbers diminishing each year.<sup>310</sup>

At that time, most land was marginal land but today, with irrigation and expansion of Tourism, this marginal land has become highly profitable. Hence, the desire of the sugar estates to reclaim this land and sell it to a foreign clientele or undertake tourist-related activities. Despite the enactments of various laws, judgements and even a Privy Council ruling, authorities have been lukewarm in their attempts to protect historic rights of the métayers when sugar estates wanted to reclaim the land leased.

From Indenture to VRS

As

#### Reference 86 - 0.01% Coverage

slaves almost a century before.

Secondly, the continuity arose from the fact that capital to finance economic activities was generated locally. This was not the case in the Caribbean, with a large presence of absentee labour, while the USA was similar to Mauritius. Of course, generous grants from Colonial Governments were forthcoming as well as relaxations in the duties and taxes relating to commodities and goods being exported and imported into the country. The original owners of the large tracts of land grants of the 18th century merged and intermarried with new arrivals from France during the 18th century and 19th centuries, and a gradual consolidation of ownership

of land occurred during various phases of the economic development of the island. The trading and merchant community of the 18th century merged with rural owners of land over the course of the latter quarter of the 18th century and reinvented itself into a powerful force during the period of sugar expansion in the 19th century, owning land, influencing, if not controlling, political decisions and being the driving force to economic and social activities occurring on the island for most of the 19th century. When viewed with hindsight and from a distance, it is indeed remarkable how such a tiny community, this 'most refractory little community', as one British official described it, was able to control the destiny of so many people and even intimidate and dictate to the British Government represented by the Governor and a few British administrators.

Thirdly, there has been continuity

#### Reference 87 - 0.01% Coverage

too happy to assist in.

Similarly, property ownership had to be controlled: small independent proprietors were a bane depriving the island of potential hands. How many times has the Commission heard these words: 'Kreol pa kapav ena later!' ('Creoles can't own land'!) being repeated by members of the public when they went to search for documents in public institutions. Few of those working in these offices are aware that, at a certain point of time, many thousands of ex-slaves did own land. It has been difficult for Commissioners to acknowledge that most who owned land have lost their land

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#### Reference 88 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

'legally', but it is even more difficult to acknowledge that there is very little possibility of redress or getting any more land in the current economic and political structure of Mauritius.

This ideology of control and

#### Reference 89 - 0.01% Coverage

VRS), as part of MAAS.

The package offered was applicable to all employees "wishing" for an early retirement and included cash compensation as well as a plot of land of 300 m<sup>2</sup>. This policy had started since 2001 with the participation of some 8000 employees and is referred to as VRS I.

In 2007, the VRS Scheme

#### Reference 90 - 0.01% Coverage

project has not been implemented.

By May 2011, at the time of the survey, around 89% of the respondents had not obtained their plots of land to which they were entitled. Some were expecting to build a house on that land, but by 2011, much of their funds had already been spent.

There is a major shortcoming

#### Reference 91 - 0.01% Coverage

problem of accessibility to water.

Finally, in the case of métayers, particularly those in the South of Mauritius, were unhappy that the option of possible buying of their land, as provided in MAAS, was not presented and explained to them fully by the authorities.

While the labourers may have

#### Reference 92 - 0.01% Coverage

to look into the matter.

##### 1.4 Sugar Cane Land Ownership

An idea of the structure of ownership of sugarcane land can be obtained from the figures published by the Sugar Industry Fund Board. The following data for the years 1990, 2000-01 and 2009 show that the number of planters has been decreasing consistently as from 1990 overall, as well as in all categories of acreage of land.

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#### Reference 93 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Figure 24 Distribution of land among planters (1990-2009) Acreage of Land (Hectares)

Number of Planters

Up to

#### Reference 94 - 0.01% Coverage

6

28,461 21,498

\* The SIFB reports do not give the breakdowns for 'millers' for 1990; they are included in 'Above 236.9'. Moreover, for 200-01 and 2009, the extent of land owned by millers is not given.

Note: 1 hectare = 2.474

#### Reference 95 - 0.01% Coverage

Government of Mauritius, found that:

"The Societies, so far in existence, are not only confined to credit and to one community but also to one particular occupation only, namely sugar cultivation, and to those who own or occupy land suitably for this purpose."

Another issue of importance was

#### Reference 96 - 0.01% Coverage

classes.

##### 1.7 Concluding Remarks

The economic and social structure of Mauritian society has not fundamentally changed from the point of view of labouring classes: although there is a longer multi-ethnic bourgeoisie, and a larger multi-ethnic middle class, the economic and social structures are such that wealth and, more generally, the ownership of means of production (land, banks, trade/commerce, factories, etc.) has been restricted to a rather small minority involving both the old and new bourgeoisie.

The social stratification, which has

#### Reference 97 - 0.01% Coverage

to work on a plantation.

When apprentices were freed prematurely, no preparation was made for their shelter, education and employment : they were forced to leave their homes and plots of land, and families were dispersed. No advice or training programme was established, other than those which tried to lure them back into working for their former owners. This was confirmed by the Special Magistrate for Plaines Wilhems and Moka Districts, Mr. Cunningham, who explained about the lawlessness and drunkenness of apprentices:

"This permission to wander has

#### Reference 98 - 0.01% Coverage

the owner and the slave.

Victor Schoelcher had also recognised the need for slaves to obtain compensation. He had gone even further: he had advocated giving a plot of land to every slave and the expropriation of all lands obtained by colons from the beginning of colonisation. All of these were rejected, however, by the Provisional Government.

Others in Réunion were of

#### Reference 99 - 0.01% Coverage

highest proportion of fishermen/exapprentices.

The statistics are silent on other sectors: there is no mention of port workers, however, a fact which has not been explained as yet. Although not included in official statistics, because there were no licences, nor strictly legal perhaps, our own research in documents shows other occupations not being listed: a large number engaged in occupations such as charcoal-making, selling wood bundles, midwifery, as traditional healers, and hunting. Large numbers were employed informally by estate owners and worked as guards, domestics and clearing out land. As fishing was

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#### Reference 100 - 0.01% Coverage

abolition; □ Ex-slaves were lazy.

More importantly, there is no differentiation made between the slaves. Just as under slavery, a hierarchy existed, there were also as many differences among ex-slaves: their ethnic origins and whether they were Mauritian-born or foreign-born; whether they lived in rural or urban areas; whether they were skilled or manual workers; whether they were males or females. Some were Government slaves, others had been private slaves, some had families who had lived for generations on one estate, while other slaves (termed unattached) had been moved from estate to estate all their lives; some had marooned, others had been manumitted many years before. Their age influenced their movements, as has been seen in the case of VRS today. In other words, each had their own perceptions of what they wanted out of freedom. Thus, a female slave who had been forced to leave her children and forced to work on a plantation during the era of sugar expansion, had no desire to return to work there, but this does not mean that she would not have appreciated a small plot of land to build a house and farm some vegetables after abolition. Similarly, a skilled slave, earning wages, would not necessarily wish to leave the sugar mill: under slavery, he would have been one of the few slaves to have earned a wage, be allowed to marry whoever he wished and have a surname.

The Magistrates, visiting the districts, also confirmed that slaves went for activities that they had been denied under slavery and rejected those activities which they had been forced to do and did not like to do. They wished to wear shoes, eat bread, own a plot of land, be autonomous, live as far away as possible from the sugar plantations.

The evidence, available so far

#### Reference 101 - 0.01% Coverage

in the 1850s and 1860s.

Elsewhere in Mauritius, the ex-slave population, which did not own land, was shifted from camp to camp, depending on the whim of employers who tended to be those owning large estates and needed land for clearing the woods for sugar cultivation. Informal and verbal arrangements were made with owners concerning the length of stay in any particular area, and many considered the camp as 'home'. The detailed study of censuses, combined with Family History research, and Oral History work conducted in the past few years by various institutions and individuals are sufficient evidence of the numerous camps that existed in the 19th century and which have survived up to the 21st century; this indicates constant mobility and shifting of 'home'.

Displacement of persons of African

#### Reference 102 - 0.01% Coverage

displacement continues in 'modern' Mauritius.

Land ownership (1839-1846)

The desire for land by ex-slaves has been amply and very ably demonstrated in the work of Richard Allen, and it is not necessary to repeat the details here: in the period of the 'petit morcellement', large numbers of ex-slaves purchased plots. How and why they had lost much of this by the 20th century is being investigated, but already, it is possible to say that absence of capital to manage the land, greed of neighbouring estates and encroachment during the period of sugar expansion are some of the reasons. The illiteracy of persons across Mauritius in the 19th century, extending well

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#### Reference 103 - 0.01% Coverage

to British and other colonies.

For those who stayed in Mauritius and who are the focus of this Commission's study, general histories have been written which have become stereotypical: labourer becomes sirdar or recruiter, saves money and purchases a plot of land. Children become educated, are employed as civil servants or professionals and are considered a success. This picture of the supposed typical 'experience' of the trajectory of the indentured labourer is reproduced regularly by those of nonindentured ancestry, by those who create the myths of the success story etc.

However, it ignores the other reality: those who never obtained land, those who were never highly educated, those who never became urbanized, and were still working on sugar estates until a decade ago. The Commission has investigated both of these sets of experiences through detailed family histories, life histories and in-depth interviews. Hundreds of descendants have been consulted and the results published in Volumes 3 and 4.

While the trend can be

#### Reference 104 - 0.01% Coverage

from labouring in cane fields

Most of the elderly sugar estate workers interviewed began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired. This had two important ramifications. Firstly, it meant that during the inter-crop season, when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting brèdes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>352</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase what would satisfy almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.

The susceptibility of labourers to

#### Reference 105 - 0.01% Coverage

crop season.

(a) Virgin canes

Dealing with virgin canes first, we find that the first task is that of désavannage and parement. The operation of désavannage, parement and déchicotage in the case of land not free from stones, taken together, consists of clearing the land generally, uprooting all ratoons which may be growing in the soil, and arranging the stones in lines. This operation is followed by 'fossoyage' or holing. Désavannage parement and fossoyage are tasks making a very heavy demand upon the physical capacity of the worker, fossogaye or holing being perhaps the heaviest of the three. All three are sometimes performed as one operation.

'Épierrage'

The next task is

#### Reference 106 - 0.01% Coverage

performed as one operation.

'Épierrage'

The next task is épierrage or clearing the land of stones and rocks. This is occasional work and does not always form part of the normal work of a labourer on a sugar estate. This is followed by pincage, which consists of removing the stones from the holes with a pince or crowbar.

Planting cane tops

The land

#### Reference 107 - 0.01% Coverage

or crowbar.

Planting cane tops

The land having been prepared for planting, the next operation is that of putting the cane tops into the soil. As soon as the labourer is in possession of the tops he makes them ready for planting, that is to say, he pulls off all superfluous leaves from the top and puts it in the hole, arranging it in such a manner that it sprouts easily; at the same time, he puts in manure and then covers the tops with earth.

Weeding

The next operation to

#### Reference 108 - 0.01% Coverage

case of virgin canes.

Dépaillage

The operation of nettoyage is usually followed by dépaillage, which is carried out just before cutting begins. Dépaillage consists of removing all superfluous leaves adhering to the cane. 'Depaillage' completes the number of operations performed during the inter-crop and is followed by the work of cutting and transporting the cane, the conditions of work being the same in respect of ratoons, as in the case of virgin canes, subject to the proviso that rates for cutting ratoons are slightly lower than in the case of virgin canes, as the work is considered to be of a slightly lighter nature. These are the principal operations performed on a large estate, from the clearing of land preparatory to planting, up to the operation of crushing the cane in the factory.

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#### Reference 109 - 0.01% Coverage

histories are brought to light.

Politically, many were also they were victims of repressive measures and injustice during the French occupation (1715-1810) as descendants of slaves and later, in the nineteenth century, of indentured labourers because they were not 'pure white'. After the capture of Isle de France by the British in 1810, there ensued a long, hard fight by the Gens de Couleur for their rights, as regards educational rights, the right to political representation and the right to land ownership.

Today, there is no longer

#### Reference 110 - 0.01% Coverage

study is required on this.

Creole or Coloured, thus, has, from the beginning, all cultural origins, and not just African and European origins. Embroiled in this, from mid-nineteenth century, was the struggle to prevent the Asiaticisation of Mauritius embarked upon by those of European origin. It was felt that as Indian labourers came to Mauritius and settled, the existing religions would be influenced by pagan religions. Evangelisation policy was implemented more fully, first against Malagasy religions, and later against Asian religions. Palmyre's statement that the "professionals of the middle class from towns in colonial Mauritius, were often the descendants of black female slaves and white masters, had pale skin, were free and educated, but did not possess land." is therefore not correct.

Discrimination

Prejudices survived from the

#### Reference 111 - 0.01% Coverage

11,792 individuals left.

Landownership

The Gens de Couleur started to have access to land possession in the 1770s. Most of the 'Coloured' landowners were then persons with a privileged position within the Colonial Administration. Under the 'concession' system, the 'Libres de couleur' were allowed to buy their plots of land (while the Whites were granted land for free). Freed slaves could also be granted a plot of land by their former owners. According to Richard Allen, the percentage of concessions granted to 'Libres de couleur' between 1770 and 1789 varied from 9 to 23%.<sup>411</sup>

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#### Reference 112 - 0.02% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

The limited access of Gens de Couleur to the land and the privileged position of buyers contributed to the integration of the Gens de Couleur into the land elite during the French period.<sup>412</sup> This integration in the elite was to be embodied in the political sphere during the French Revolution, on the ground of a common interest for the fight against maroonage (as both groups were slaveowners).

As a result of their combined acquisition of land and demographic expansion, the Gens de Couleur group became an important economic force island between 1806 and 1830.<sup>413</sup> In 1822, the Gens de Couleur represented 38 to 48% of landowners, while they composed 69% of the free population.

When sugar cultivation became a mono-culture after 1825, there was fierce competition for land between the two groups, the Franco-Mauritians and the 'Libres de couleur'. But gradually the Franco-Mauritians monopolized the sugar economy. In 1831, the Whites owned 92.5% of sugar mills and 82.4% of sugar land, while they represented only 31% of the free population. The Gens de Couleur had no choice but to give up the sugar industry and concentrate on 'cultures vivrières' (manioc, grains, coffee, cotton). Though they were more than half of the free population, they possessed less than 15% of land. However, they did manage to increase their share of cane land from 0.4% in 1806 to 7.5% in 1830, and their share of sugar mills from 3.2% in 1806 to 17.6 % of the sugar mills in 1830.



During the rapid subdivision of land that took place from the 1840s to 1880s, recently-freed exslaves joined the ranks of the Gens de Couleur and purchased land.<sup>414</sup> However, few were able to retain them for various reasons to the point that they barely possess any land today. Unwillingness to labour land themselves, as it was seen as an activity for 'slaves' or unable to procure labour, and little access to capital are cited as some of the reasons. The Gens de Couleur became predominant in the factories and the building industry. In 1952, 49.5% of the 'Coloured' and Creole workforce were employed in these two sectors.<sup>415</sup> There was the perception of constant threats from the 'Whites' (Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the 19th and 20th centuries. Thus, it gradually lost its economic position and was forced to sell to either 'Franco-Mauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

The Gens de Couleur constituted

#### Reference 113 - 0.01% Coverage

in 1982 and started successfully.

At the same time, for the first time in the history of pig-breeding, Government agreed to release a plot of State Land of 25 arpents on long-term lease for a small holding pig farm. The lease was granted to the Plaisance Pig Credit and Marketing Co-operative Society in 1984 to be onlet to its bona fide pig breeders. In view of the innovative character of the project, few people, at that time, believed that the project had any chance of success. Surprisingly, it did. By making provision for common roads and alleys and space for a common water tank etc., each breeder received an average 28 perches of land, on which a pig sty, with a feed store and absorption pit, was constructed.

While a few breeders would

#### Reference 114 - 0.01% Coverage

pigbreeding has not been destroyed.

The La Ferme St. Martin small holding co-operative farm continues to be the main source of supply of fresh pork to the market. A similar project has also been implemented at Bassin-Requin in Poste de Flacq on a plot of State Land and groups some 15 professional breeders. While the La Ferme St. Martin catered solely for the reinsertion of breeders on the outskirts of the township of Beau-Bassin /Rose-Hill, at long last, a further plot of 10 arpents has been released this time to accede to a long-time request of breeders in Roche Bois. This project is ongoing and will, during a first phase, allow the construction of some 30 sties. Further breeders are expected to obtain clearance for the construction of additional sties, as soon as proper infrastructures have been put up for waste disposal. Although the La Ferme St. Martin region is far from human habitations, pig-breeding, on a large scale, was bound to create a problem of waste disposal. Government is conscious of the environmental problems posed and is presently putting up the necessary infrastructures for the disposal of waste.

Present situation of pig-industry

#### Reference 115 - 0.01% Coverage

of pig-industry and recommendations:

State Land was made available under the small holding scheme for the rehabilitation of pigbreeders, and it is hoped that this age-long farm occupation will be maintained. The prevalence of African swine fever in Mauritius could have witnessed the disappearance of pig-breeding altogether, had not the authorities acted promptly in providing both technical and financial assistance to breeders. Thanks to the operation now in its second phase of the La Ferme St. Martin small holding project and the contribution of a few other breeders, Mauritius can well reach self-sufficiency in pig meat and processed pork products, around 1,500 tons, by 2015. The soaring Tourist Industry is a good omen for an increase in demand of pork products, but the quality of animals at Farm Gate must be good, if imports are to be substituted.

A separate organization must, however

#### Reference 116 - 0.01% Coverage

their contribution cannot be underestimated;

"As a Minority in Mauritius, the contribution of the Chinese Community has often been overlooked. It nevertheless brought enormous changes in terms of knowledge of the land, innovative ideas, leadership and enhanced our local cultural and religious diversity."<sup>480</sup>

Till now, these shops were

#### Reference 117 - 0.01% Coverage

##### COMMISSION 5. INDIAN CHRISTIANS Introduction

According to the 1952 census, 9,000 persons were registered as belonging to the group of IndoChristians, forming around 3½% of the population; Whether this figure has remained constant is difficult to say; since 1982, no mention is made of ethnic denominations in the Census.<sup>482</sup> The bare fact is that out of 413,000 persons, registered as Christians in the Housing and Population Census of 2000,<sup>483</sup> it is clear that a good many among them are of strong Indian descent, when they do not claim ancestry as Chinese or Europeans, the remaining Christians being more akin to people of African and Malagasy descent in varying degrees. According to the Indo-Mauritian Catholic Association (IMCA), an association founded in 1952 which claims to represent persons of the Catholic faith, but who have in no way given up the cultural appartenance proper to the land of their ancestors, these should be around 50,000. This short stay aims to trace the epic story of persons of Indian origin who have, throughout Mauritian history, been converted to Christianity

Presence of Christians in the

#### Reference 118 - 0.01% Coverage

port il y aura récompense<sup>489</sup> »

Although all non-Whites were assimilated as slaves, manumitted and enfranchised slaves could buy land and maintain slaves themselves. Article 53 of the Code Noir reads as follows: "Octroyons aux affranchis les memes droits, privilegès et immunités dont jouissent les personnes nées libres".<sup>490</sup>

(Eng. Trans. "We grant freed

#### Reference 119 - 0.01% Coverage

Indian origin and their descendants.

In his work on land acquisition by slaves and indentured labour, Richard Allen has highlighted on the ownership of land by the gens de couleur, a majority of whom were free Indians from Pondichery. For the period covering 1766 – 1809, 17,460 arpents were owned by free Africans and Indians classified as gens de couleur.<sup>491</sup> The enactment of the law of Emancipation of 1767 in the code Delaleu gives recognition to the presence of a third category of individuals, as opposed to the whites and the slaves. A majority of the people falling in this category were of Indian origin. Due to gender imbalance, many Indian slaves had no alternative but to marry women slaves, both of Malagasy and Mozambican origins.

On the other hand, in

#### Reference 120 - 0.01% Coverage

Poudre d'Or and Souillac.<sup>503</sup>

In 1872, the Indo-Catholics in the area of Stanley set up a small chapel on a plot of land donated to the Port Louis Diocese by the former Stanley Sugar Estate owner and Manager, Sir Cécilcourt Antelme. It was, according to Amédée Nagapen, a small building (130' X 100') with a roof made of thatched grass and a floor and walls plastered with cow dung. The hall was built, as a result of the collective efforts of the older generation of Indo-Christian immigrants from what is today, Tamil Nadu. This hall became a meeting place for Indo-Catholics where Father Puchinelli, who had served in South India, celebrated mass in Tamil and gave religious instruction. By the beginning of the 20th century, a new chapel was built to meet the needs of an ever-increasing number of parishioners. The building was pulled down to make way for the construction of the new Parish Church of St. Anne in 1971.<sup>504</sup> The Old Chapel, built in 1872, was also renovated to serve as Parish Hall and stands in front of the new Church.

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#### Reference 121 - 0.01% Coverage

##### AND ORIGINAL RICHE TERRE PLANTERS

The history of the métayers (share croppers) was brought to the Commission's attention as a result of representations made by métayers in the South of Mauritius. The Commission decided to investigate further for several reasons. First, although they have grown sugar since the days of indenture (1840s), they have never owned the land and can be evicted at any time. They have, like many other groups in Mauritius, been the victims of restructuring of the Sugar Industry. A history of metayage appears in Volume 2 and in Volume 4. In the past, eviction could occur at any time, when their leases ended, when sugar was no longer required, or when the land was required for other more profitable purposes. What is the future of métayers in the new economic configuration? What future do they have? Today, the lands which they occupy and have been associated with for generations, considered 'marginal' at the time, have been 're-labelled' 'strategic' zones today, and are worth millions. The sugar estates have played their historic role, as they always have; they have disposed of labour when no longer required, and shifted labour where work was required, intimidated and used all the legal arsenal at their disposal to maintain their property. What is reprehensible is the role of

#### Reference 122 - 0.01% Coverage

even disregarded Privy Council judgements.

A much publicized agreement was signed between the Mauritius Sugar Producers Association and the Government before the elections of 2010. The Commission learnt that the métayers in the South had not participated in discussions, nor even seen the Agreement, signed on their behalf, with the exception of the Secretary of the Association who had not informed his members or the President of the Association. A meeting of métayers in the South was convened. The métayers felt they had been abandoned by the Democratisation Committee and by a Member of Parliament at that time, who had represented them before. According to them, some of their members have been “bought” by the sugar estate to accept less better terms. None were aware of the terms of the Agreement signed on their behalf. They felt that, had it not been for the ‘vendeurs’ (traitors), they would have got the land that they wanted. Some have an emotional attachment to the land which they have worked on for generations; they did not want any other land. Some of the lands proposed for swapping were too far away. Other lands were being given on hilly land and on hunting land which was not flat and which makes harvest difficult and impossible to mechanise. They felt very strongly about their land. They had cleared and planted it, made it rich and valuable land for many years. The sugar estates have made much profit from their labour, when selling sugar, but none of this counted in assessing the value of land. The role of Surveyors and Notaries in depriving people of their land was decried.

It is clear that the

#### Reference 123 - 0.01% Coverage

and signing the new Agreement.

Despite the fact they were advised not to sign the Agreement with the sugar estate, many did so and regret it today. Today the métayers want reparations for having performed labour for the sugar industry over many generations; now, they are being asked to ‘lev pake ale’ (pick up their bags and go). They also stated they had been victims of intimidation: pigs and deer have been let loose on their land to force them to leave as crops were destroyed, and fire has been set to their canes.

Many are descendants of immigrants from India who arrived in Mauritius during the period of indenture. This particular group included indentured labourers as well as free immigrants. Both were considered together, as the two groups endured the same conditions. Some families have been in métayage since the days of indenture. Today, as these families, under métayage, face a possible loss of land worked on from the indenture period.

There were three kinds of métayers in the area currently: the first are those who have become old and want their compensation; the second category consists of those who want to continue as métayers, and a third category are the younger group who wants to become the owners of the land.<sup>506</sup> In the case of Bel Ombre, according to one deponent, Mr. Ramtohul, out of 14 who had not signed the agreement, 5 or so wanted to buy the land; 3 or 4 others had accepted land swapping. Some, who accepted land swapping, did not get equal amounts: they gave up 25 arpents but were

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#### Reference 124 - 0.01% Coverage

there is no abuse.”<sup>509</sup>

It appears that sugar estates have offered land on lease to métayers but have arbitrarily taken land back, without explanation or offering land in return. The case of Sewpal is one of several where 40 arpents of land were taken away from his father in an area called Chazal, causing huge loss of income to the family, a loss from which the family never recovered. The métayers were too poor to be able to afford Lawyers, and were

unable to defend themselves.<sup>510</sup> It appears that for several years, despite an Independent State, the situation has not changed much in Mauritius.

On 16 July 2009, the métayers were told to go back to the sugar estate and ask to buy the land.<sup>511</sup>

They were also promised a land valuation. This report has never been circulated. Sugar Authority Officials did go there for a meeting, but métayers were encouraged to 'signer, signer' ('sign, sign'). Little in the Agreement was explained to them.<sup>512</sup> There was no mention of any valuation being used to calculate compensation. Of those who have signed, many regret it.

According to one deponent,

"Zotte

#### Reference 125 - 0.01% Coverage

three options to the métayers.

The Committee had undertaken a preliminary evaluation of the land because the Government was 'in a hurry' to complete an agreement before the elections, but the representative did not have a copy of it. He also stated that Mr. Cader Sayed Hossen of the Democratisation Committee had met

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#### Reference 126 - 0.01% Coverage

Hossen and the MSPA representative.

The Ministry of Agro-Industry stated the valuation of the land had been carried out in a transparent manner, and the Agreement was drafted with expert advice of the State Law Office. Moreover, it stated that all complaints received by métayers were forwarded to the MSA or Chairperson of the Democratisation Commission for their comments. It also stated that the MSA had received a copy of the valuation report for them to 'work out the figures.'<sup>518</sup>

The Agreement, signed between the

#### Reference 127 - 0.01% Coverage

not be favourably viewed.<sup>522</sup>

He stated that the three options had been explained and offered to the métayers during meetings which he had held at Bel Ombre. <sup>523</sup> He added that this responsibility devolved to the Sugar Authority which was the implementing Agency concerning métayers, not the Ministry of AgroIndustry. Despite his categorical statement-"I repeat again, there is nothing which could compel a métayer to leave the land he is working upon if he does not wish to" it is clear that some métayers have been forced to leave the land without any compensation.<sup>524</sup> On the question of the métayers of Bel Ombre and St. Felix, he concluded that he was personally not happy with the outcome, and did not think the métayers of Bel Ombre had obtained a fair deal.

The Commission believes a fairer

#### Reference 128 - 0.01% Coverage

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It is regrettable that other groups have also been treated in such a cavalier fashion. The plight of the original Riche Terre planters also comes to mind.<sup>525</sup> In this case, they were sold land by a sugar estate which came soon after was compulsorily acquired by the colonial Government. A question could be posed: did the sugar estates know in advance that the land was to be compulsorily acquired? The small planters consider they were given a minimal compensation. They also stated to the Commission that they were verbally informed that they would be returned the land when the Government no longer needed it. Years later, this same plot of land was given to a group of planters and despite all their protests to the Ministry of Housing and Lands, their voices were ignored by the same Ministry. This same land now has been given to a Chinese business group. The new Riche Terre planters who were removed have since attracted much attention and been given land elsewhere, but the original Riche Terre planters have been totally ignored. Since the loss of their land, although some were able to continue on with their lives, others faced extreme financial difficulties. It appears that the 'verbal' commitment given by the Colonial Government was not considered at all by authorities.

#### RECOMMENDATIONS

1. A fairer and

#### Reference 129 - 0.01% Coverage

of indentured labourers to Mauritius.

2. In the case of Bel Ombre and St. Felix sugar estates, where the métayers have undergone severe emotional, psychological stress due to loss of land, to lack of understanding and ability to adapt to rapid and changing economic policies in their locality;
  - a. not been provided with sufficient information, advice and guidance in order that to allow them to make informed decisions and benefit from all the options present in the spirit of the various Sugar Efficiency Acts and Privy Council rulings on the issue, which was to improve the weak position of métayers in Mauritian economy and society and to provide greater access to land;
  - b. been left at the

#### Reference 130 - 0.01% Coverage

on the part of métayers.

3. For the original Riche Terre Planters We recommend therefore that land be given to them to set up an agricultural Cooperative as many are still in need of assistance.

#### 3. Justification

- ☐ Historic rights have

#### Reference 131 - 0.01% Coverage

need of assistance.

#### 3. Justification

- ☐ Historic rights have not been considered in the assessment of compensation for loss of land to cultivate.
- ☐ There is a strong emotional attachment to the land farmed by forefathers.
- ☐ Immense amount of agricultural activities, carried out prior to sugar cane planting and maintenance of land which the same sugar estates are now benefitting from and which have not been included in the compensation calculation.

□ Property rights are not the only consideration as métayage has immensely benefitted the sugar estate owner: cheap labour, sugar produced on land that he would find difficult to farm (poor soil, sloping or rocky land).

□ Calculation of compensation was based

#### Reference 132 - 0.01% Coverage

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obtained their wealth with very 'little' support, in the days of slavery and colonisation, and only obtained 'plots' of land. The Commission notes that the Franco-Mauritians are diverse and that they are not all wealthy; not all of them are accepted by the very rich. The Government must promote discussion around class diversity in Mauritius and work with the media and with schools and other public entities to dispel racial myths.

Socioeconomic decline among the Franco

#### Reference 133 - 0.01% Coverage

for a generation of professionals.

By contrast, the absence of educating ex-slaves in even basic literacy skills pursuits meant that they lived without understanding the value of the written word. The absence of this knowledge meant safeguarding of documents was almost inexistent, leading to many cases of land dispossession due to fraudulent documents, inability to trace one's family tree, because documents were not preserved and so on. Functional illiteracy, enforced by the plantation system, caused irreparable harm to the ex-slave population.

What of the consequences for

#### Reference 134 - 0.01% Coverage

particularly those of Creole background.

Whilst 'illiteracy' is no longer enforced, as during the slave period, the former still prevails amongst a relatively important section of the population. Enforced illiteracy had several consequences such as: a lack of opportunity to acquire assets, dispossession of land, denial of political rights, and these have impacted on future generations in multiple ways. But illiteracy is the result of a system failing the children. Children fail the Certificate of Primary Education (C.P.E) exams without having mastered the skills of reading and writing. Schooling in Mauritius has not favoured an oral culture, which is generally closely tied to the 'being' of the child. Working-class children, particularly those of slave descent, have experienced multiple forms of identity repression and denial, making it hard for them to connect to schools with middle-class values and ethos.

Failure rates are concentrated in

#### Reference 135 - 0.01% Coverage

to use the specialist rooms.

Our conclusion is that, while the PVE Sector was initiated to provide a second chance to those who have failed the C.P.E, very few of the students actually got this second chance. The learning experiences and the

assessment proposed to pupils persisted in not drawing from the personal experiences of the children, nor do they relate to their specific learning styles. In short, what is learnt, how it is taught and how it is assessed has not changed much from the Primary School except in a few of the Prevocational Schools. Resources, especially those relating to practical classes, are often not available for children attending prevoc. Many of them complete their three years at PVE without knowing where they will land up; some do end up at NTC Foundation Course, but there is no research available to know what exactly happens to those young people after the few years of post-primary schooling.

Can one speak of Justice

#### Reference 136 - 0.01% Coverage

malnutrition and high infant mortality.

Apart from poor diet and the high prevalence of infectious diseases in Mauritius during the colonial period, the underlying causes of malnutrition were, most importantly, the low standard of living followed by lack of awareness, coupled with certain prejudices. The low standard of living of the labourers was the result of inadequate food rations, low wages insufficient to supplement their rations and too little food provisions from family production or gathering in the wild. The economic policy prioritising the production of cash crop (sugar cane) for export further decreased available land for food production.

After the Second World War

#### Reference 137 - 0.01% Coverage

to insist on more justice.

Retracing one's family history in Mauritius required, in addition to papers, research using Oral History as knowledge about families has been transmitted orally. The University of Mauritius' oral History Project shows clearly that many more families than those who submitted land claims at the Commission have knowledge of their family's past ownership of land. Today, it is virtually impossible to obtain lost land without a genealogical tree. This section, therefore, provides a survey of how genealogical research has been conducted in Mauritius through the experiences and difficulties encountered by deponents coming to the TJC. For most retracing their family is nothing less than an immense hurdle compounded by inadequate and antiquated laws and bored and petty-minded Officers.

As land speculation has increased and the problems were never addressed, the result has been an absolutely unhealthy atmosphere prevailing in this sector: there is a proliferation of fraudulent affidavits, an increase of 'courtiers' (people taking money from those needing certificates/ etc.), corruption, multiple errors in data (such as people being declared dead when they are not, or having different names registered at the Civil Status), disappearance of certificates and useless decentralisation, time-and money-consuming procedures. This has led to growing public resentment towards CSO Officers and Archives Officers.

There is thus an urgent

#### Reference 138 - 0.01% Coverage

solve many other related issues.

The value of professional genealogical research is to: □ allow one's lineage to be traced for legal issues; □ if structured diminish consequently frauds and dishonest land and property sales and less land will be lost belonging to ordinary Mauritians who cannot afford expensive lawyers;



□ provide important information that will

#### Reference 139 - 0.01% Coverage

would not attack the plantations.

At the same time, Governor Decaen decided that Diego Garcia should become a settlement for all lepers. Thus, the island became a land of exile for lepers who continued to be deported there, even during the British period.

With the rise of Napoleonic

#### Reference 140 - 0.01% Coverage

route via the Suez Canal.

In 1888, the Orient Steam Navigation Company ceased its operations on Diego Garcia, after offering the British Government an opportunity to take over. The land which the company had leased reverted to the Government.<sup>532</sup>

In 1905, Diego Garcia and

#### Reference 141 - 0.01% Coverage

Mauritian Company Diego Garcia Limited.

Even if it was said that the Chagos were private lands owned by the private company, most probably, it was only on lease, as the atolls and the dependencies of Mauritius were still Crown Land. The Chagos Company Limited was allowed to exploit the coconut plantations and the copra manufactures until 1967, when the British closed all copra exploitations and paid financial compensation of some £ 1,35 millions to the Company.

Fr. Dussercle wrote that the

#### Reference 142 - 0.02% Coverage

##### COMMISSION 2.RODRIGUES: SOCIAL CHALLENGES

The Island of Rodrigues faces serious social challenges that require urgent attention of all Rodriguans, and in particular the Rodrigues Regional Assembly. Indeed, as land resources are the major assets of Rodrigues, inappropriate land use contributes to soil erosion and land degradation that affect agricultural productivity and is, therefore, a major factor in food security and poverty. This is a huge responsibility that the RRA cannot downplay, even though the State lands are leased to private individuals for a specific number of years, depending on the purpose of the development project which are approved by the State Lands Committee. Thus, the strategy to be proposed rests heavily on environmental mainstreaming in policy and in key economic sectors. The adoption of a sustainable land resources, solid waste, and coastal zone-management system is viewed as critical in order to successfully transform, in the longrun, the current situation of land degradation, soil loss, and impoverished ecosystems into diverse cultural landscapes of outstanding aesthetic, economic, and ecological value.

Land resources in Rodrigues are affected whenever one or more of the above five components (that is, Agricultural and grazing lands, Forestry & Forest Biodiversity, Management of Caves, Botanical Gardens and

Built-up area- settlements etc.) are under threat. Indeed, poor land management has resulted in low economic returns from agriculture. This is due to high soil erosion which is itself a result of bad agricultural and grazing practices; past deforestation; poor building practices (especially the dispersed nature of settlements); steep topography; and high intensity rainfall (rainfall intensities of up to 150 mm per hour is not uncommon). Besides reducing the agricultural potential of the land, soil erosion has affected rivers and dams as well as the lagoons and coral reefs. Soil erosion has also been due to poor building practices. In this respect, Rodrigues has been able to deal with the problems of land squatting with the setting up of a Land Squad under the Environment Unit. However, the problem of scattered housing, due to the dispersed nature of settlements, has led to the loss of agricultural land, as well as a reduction in the aesthetic appeal of the country side.

There is a total lack of an endorsed framework for land planning and land use on the island as the Planning Development Act 2004 is not applicable to Rodrigues and the National Development Strategy is not statutory to Rodrigues. The RRA needs to endorse a national strategy around which all future planning initiatives will revolve in a transparent manner. There is an absence of a database and unsustainable land management; likewise, there is an absence of detailed information regarding land resources. This lack of information makes it difficult for the authorities to come up with proper strategies with regards to the environment.

One of the main problems in infrastructure development and provision lies in the haphazard settlement pattern. Indeed, the very striking feature about the human settlement pattern in Rodrigues is its dispersed nature. Rodriguans have tended to build their houses on agricultural land leased to them, so as to make it easier to look after their crops and cattle which roam freely. Consequently, houses are scattered and isolated, which typify the Rodriguan way of living. Another reason for same is the absence of an appropriate housing policy, of declared zones, delays in approving housing leases and building permits, and lack of enforcement.

Due to the hilly terrain

#### Reference 143 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

unmarried women who often face difficulties in obtaining an adequate income. The causes of the women's income poverty were attributed to a lack of employment opportunities for women in Rodrigues, large families, lack of education and problems in accessing land. In addition, single female heads of households are often marginalised in terms of not being involved in the extensive network of associations and movements that exist in Rodrigues.

Social Aid and Safety Nets

#### Reference 144 - 0.01% Coverage

a voluntary basis, are questionable.

On the whole, in spite of all these social ills, the vision for Rodrigues is that of an island of happy, contented and energetic people working hard and intelligently for the prosperity of their native land. Apart from what have been discussed above, this calls for empowerment, job creation, widening of the circle of opportunities, and a considerable degree of advocacy and IEC programmes informing the population on different ways about how their lives could become more productive.

The way forward for Gender

#### Reference 145 - 0.01% Coverage

Truth and Justice Commission 344

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION CHAPTER TEN TOWARDS LAND REFORM

Truth and Justice Commission 345

VOLUME 1: REPORT OF THE

#### Reference 146 - 0.01% Coverage

2008,

the Commission had as

a mandate, to, inter alia, "enquire into a complaint other than frivolous and vexatious complaint made by any person aggrieved by dispossession or prescription of any land in which he claims he had an interest". The Commission had, further, the task to submit a comprehensive report on its findings, based on factual and objective information and evidence received by it. A Team was appointed to lead this enquiry into land dispossession and suggest recommendations to the Commission.

This mandate has also been read in conjunction with other clauses in the Act relating to the history of slavery and indenture and its consequences. Hence, it could not adopt a purely technical or legal approach and has considered the land dispossession issue in a more holistic manner than has been attempted so far in Mauritius. However, the time-frame proposed (two years) is much too short to be able to produce a comprehensive report as many documents are not available easily and extensive and in-depth searches were required. Recommendations for additional work on the cases are made towards the setting up of institutions to democratise access to technical persons and professionals, so that the members of the public not in possession of vast reserves of cash can fight, on a more equal basis, the holders of economic power who take them to Court.

The Commission had set for itself the following tasks: 1. create a Database of land purchases and sales; 2. examine policy and laws relating to acquisition of land from 1723 onwards;

3. examine the extent of landownership by freed slaves and ex-slaves, indentured and descendants and misappropriation of land;

4. investigate the reasons for obstacles to landownership; 5. examine land issues brought before the Commission; and

6. advise and assist persons in obtaining documents in order to allow them to recover their land where possible.

##### 1. HEARINGS ON LAND

The first task of the Commission was to invite the public to submit particulars regarding their holdings or possessions which they feel they have been deprived of. In view of the technicalities of each individual case, a Sub-Committee was set up, consisting of professionals in the field to study each case. The Committee was composed of: One Senior Attorney, One Bar-at-Law, Two Land Surveyors, One Land Consultant and several Research Assistants.

From July 2009 to 30th

#### Reference 147 - 0.01% Coverage

put the cases into shape.

It was observed that in most cases, the land information data submitted to enable the Committee to make a proper assessment and appraisal was not sufficient. The information given was very sparse and skeletal in nature. In many cases, no title deed, no "concession" plan, no Survey Report, no Constat/ Investigative Report was submitted in support of these claims. The absence of a family tree to justify a deponent's claim made it more difficult to understand the mechanism of dispossession. In other cases, claimants had difficulty in establishing the origin of the title justifying their claims.

Truth and Justice Commission 347

#### Reference 148 - 0.01% Coverage

country in search of documents.

The first hearing of the Commission was held on Friday 23rd October 2009 and the last hearing on Friday 16th September 2011. The Commission held 212 hearings sessions in all. The purpose was to elicit more information, thus allowing Commissioners to better comprehend a case. The hearings helped to clarify many issues and to encourage those were unwilling to submit documents to do so. All sessions of the Commission in Mauritius were held, either in public, or in camera and the press and other media were invited to attend. Some persons invited before the Commission chose to ignore same and had to be summoned, as provided under Section 5(d) of the Act. The Commission heard people from all walks of life, from Chief Executive Officers of sugar estates, Heads of Ministries, Departments and parastatal bodies as well as private individuals and professionals. It is also to be noted that more than one hearing was necessary to clarify a number of cases brought before the Commission. Some parties were assisted by their legal advisers or Land Surveyors.

By July 2010, after a

#### Reference 149 - 0.01% Coverage

which people had been dispossessed.

It was clear, however, that there was plenty of overlapping between these cases and, this was a stronger reason to treat the cases in a holistic manner. This was attempted for a number of cases by the Commissioners, and numerous persons competent in fields other than Land-related professions, but it was not possible for all cases. The Commission has pointed the way for future searches to be conducted and for dispossession to be better controlled.

Sugar Estates

3 Tancred 4

#### Reference 150 - 0.01% Coverage

Auchombit 150 Charlot 159 Herry

State Land

6 François 123 Besagne

Sale

#### Reference 151 - 0.01% Coverage

## THE TRUTH AND JUSTICE COMMISSION

As will be noted from the preliminary categorisation, for example, a large number of complaints were received, involving large plots of land, alleged to have been prescribed or occupied by Sugar Companies. A majority of the complaints emanated from people who, through ignorance or lack of financial resources, have left their ancestral lands undivided or unoccupied. Most such lands have subsequently been appropriated by other parties, including the sugar estates through prescription, wrapping ups, and so on. Other cases refer to litigation among heirs and family conflicts.

It became apparent to the Commission that a lot of people were ignorant of the basic laws and procedures regarding the preparation of affidavits of succession, acquisition and other procedures to be adopted to safeguard their rights. They thus fell prey to unscrupulous self-appointed 'land experts'.

Most cases brought before the

### Reference 152 - 0.01% Coverage

This practice regrettably still prevails.

The Commission, whose mandate includes Rodrigues, held 30 working sessions on the island. Given that only 1/10th of the land surface in Rodrigues is privately-owned land, being former land grants ("concessions"), there is a lure for prescriptive acquisition on the part of the heirs. This has given rise to family conflicts which, sometimes, have led to interested parties being dispossessed.

The Commission has submitted relevant recommendations for necessary amendments to be made to Land Laws, especially concerning procedures for affidavits and prescription.

The Commission has observed that the costs involved for the recovery of land are an impediment to most people who feel they have been dispossessed of their property. In this connection, the Commission has made recommendations for the setting up of a LAND MONITORING AND RESEARCH UNIT. This unit will have the responsibility of examining any request for assistance, be it financial or legal. This recommendation is further developed in this Chapter.

The Commission also recommends that

### Reference 153 - 0.01% Coverage

Truth and Justice Commission 350

## VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 2. LAND REFORM OBSERVATIONS

After the perusal of various

### Reference 154 - 0.01% Coverage

left by the deceased persons.

□ The Commission has also arrived at certain findings in relation to landownership and land dispute in Rodrigues. There have been a number of fraudulent practices throughout time. As a result, the Commission has made a number of recommendations by way of amendments to the laws regulating landownership, land dispute and prescription in Rodrigues. These recommendations are more fully laid down in CHAPTER 3 of volume 2.

□ As regards the collection of

#### Reference 155 - 0.01% Coverage

better controlled through camera surveillance.

□ Concerning the issue of land administration, the Commission finds that there is a need to change from the Deed Registration System to the parcel-based Deed Registration System. The Land Administration, Valuation and Information System (LAVIMS) Project will go a long way towards streamlining and modernizing land transactions in Mauritius.

□ This new system is being

#### Reference 156 - 0.01% Coverage

CHAPTER 6 of volume 2..

□ As a result of various cases heard and claims studied, the Commission finds that there have been a certain number of allegations as regards the ethics and conduct of certain Legal Practitioners, Land Surveyors and land consultants. The Commission has held several hearings with the governing bodies of the above professions. As a result of this, the

Truth and Justice Commission 351

#### Reference 157 - 0.02% Coverage

CHAPTER 5 of volume 2..

□ As regards the numerous cases of land dispossession and the various obstacles to recovering the same, the Commission wishes to recommend that a Land Research and Monitoring Unit be set up to cater for these obstacles. Further, the Commission recommends that a Land Division of the Supreme Court be set up to expedite matters in relation to land matters.

Furthermore, the Commission has also observed some disturbing factors which should be highlighted: □ The demand for more land and the rapid development of real estate has opened the door to a new breed of "Récupérateurs de terres". These individuals open and run modern offices, invest huge sums of money to better attract their clients, establish deals through fake societies ('société écrans) on the basis of 49%/51% or vice-versa, to retrieve lands with the promise of a better future for those who are in search of their heritage.

□ Furthermore, some Land surveyors, seconded by certain Attorneys and Notaries are rapidly prescribing plots of land which are quickly sold, overnight, to new companies set up with the help of foreigners/ investors looking for greener pastures in Mauritius.

□ Moreover, persons who have prescribed plots of land and who know that they could be challenged in Court have secured the help of some militia in order to prevent real owners to have access to their properties, (Christian Grenade – File TJC/L/0044) and Goodur Abdool Reshad - File TJC/L/M/0210). In the case of Grenade, the Commission views with concern that even a request made to the Commissioner of Police to give police protection to the heirs to clean up their land at Le Bouchon has remained unattended. Concern has been expressed regarding the backlog of cases standing before the Supreme Court. It is to be noted that in the past, the closure of the Land Tribunal and the Tribunal Terrier in 1873, during the late 19th century, has contributed to the frustration of all those who could resort to this institution to seek redress. Fraudulent practices, lack of financial resources, ignorance of the law, as well as the inaccessibility to documents and misapplication of the law, and the lack of information concerning land transactions have largely contributed to depriving people of their property.

In this context, the Commission recommends some measures that could alleviate people's sufferings and trauma. A LAND MONITORING AND RESEARCH UNIT, is being recommended to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds. The Commission has already started the Notarial Acts Database Project, a guideline to decipher and interpret the language in old French, which will help and better serve researchers, Notaries and Attorneys.

#### Duties of the land monitoring unit

The Land Monitoring and Research Unit will be called upon to carry out an in-depth investigation into any complaint and establish the genealogical tree of the claimants, to advise the applicants after investigation and to offer Mediation to all parties. If an agreement is reached, it should be binding upon all parties, wherever appropriate, to sign the agreement. In case of disagreement, the case will be referred to the Supreme Court.

In this connection, a Land Division of the Supreme Court with additional judges and supporting staff attached to it should be set up in order to expedite matters.

Moreover, as regards the surveying issues, no amendment boundaries are to be accepted unless they are based on a proper survey supported by plans of acceptable standards and the satisfaction to the Land Monitoring and Research Unit

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#### Reference 158 - 0.01% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

Furthermore, there is a need to regroup all activities, now concerned with land title matters into one central Authority, introduce the principles of title to land and the creation and maintenance of a Cadastral map. There is also a need to make use of the Cadastral map. This will be a map compiled on a sufficient large scale to show clearly each parcel in the territory. This also applies to Rodrigues Island.

The Surveyors' field-notes will be retained. All plans, field-notes and computations should be properly filed and numbered. The use of microfiches and microfilms should be introduced to record existing land registration volumes and other archival documents such as concession plans. There is a necessity to avoid duplication of staff and work, the land Monitoring and Research Unit should be housed in one building. The Commission highly recommends that prescriptions be immediately frozen till the setting-up of the Land Monitoring and Research Unit and the introduction of new amendments to the legislation pertaining to the Affidavits of Prescription Act.

#### 3. CREATION OF A LAND BANK THE COMMISSION FINDS

The control of the use of land is a major problem to Governments. In both developed and developing countries, local and central authorities have tried in a variety of ways to shape the physical layout and contour of their cities and other areas in the realization that how land is used has profound consequences for the well being of their citizens. As it is, land management is intertwined in a patchwork of overlapping authorities with diverse sources of authority. The Ministry of Housing and Land Development plays a key role in land development and land use. Any development on State Land requires the approval of the Planning Division which acts on behalf of Government as lessor. Their activity is not restricted to Government owned land since their

advice is sought by local and parastatal bodies for development on private owned land as well as "aménagement des territoires".

Under the Town and Country

#### Reference 159 - 0.01% Coverage

economic problems can possibly succeed”.

Available areas by itself will not be sufficient to solve the problems of raising agricultural productivity. The cost of setting new land, of reclaiming land from the onslaught of the sea or of bringing derelict land into productive use is rarely justifiable, however socially desirable it may be. New plans for development should concentrate upon intensifying output criteria for agricultural areas. Due to shortage of funds and the non-availability of recoverable lands, it is wisest to concentrate capital over trained personnel in areas which are likely to give reasonable returns on investment.

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#### Reference 160 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

It is in the light of these reflections that the creation of a Land Bank is envisaged as a panacea to land management.

The Land Bank is a Central Land Authority which coordinates within a single institution all the functions and powers presently vested in a number of different corporations' authorities, department and ministries relating to the organization and management, especially in the context of land reform and environmental development.

Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meager resource.

When contemplated in a context of land scarcity with possible conflicting land use, the Land Bank, if properly formulated by a comprehensive land use policy will ultimately control all forms of land development and will ensure a judicious allocation of lands needed for the island's development.

##### THE COMMISSION RECOMMENDS

It is

#### Reference 161 - 0.01% Coverage

island's development.

##### THE COMMISSION RECOMMENDS

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#### Reference 162 - 0.01% Coverage

2) (3)

(4) (5) (6)

Buying and selling of agricultural land so as to foster its distribution among small holders and the landless persons;

Purchasing of land for development for national projects;

Expediting the purchase and transfer of land so as to avoid administrative delays and allow the steady release of developable land;

Managing of stock Government-owned land;

Reducing land speculation and curtailing the increase in land value; and Organising and regulating of a real estate market.

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#### Reference 163 - 0.01% Coverage

Truth and Justice Commission 354

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 4. FOR A BETTER METHOD OF REGISTRATION OF TITLE OF LAND

In many countries, the deed

#### Reference 164 - 0.01% Coverage

subsequent processing.

The Commission recommends:

1. Grouping together of all activities now concerned with land title matters into one Central Authority.
2. The introduction of the principles of title to land and the creation and maintenance of a Cadastral Map.
3. To avoid duplication of

#### Reference 165 - 0.01% Coverage

be properly filed and numbered.

6. The use of microfiches and microfilms should be introduced to archival existing land registration volumes and other archival documents such as concession plans.

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#### Reference 166 - 0.01% Coverage

Truth and Justice Commission 357

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 7. RODRIGUES – LAND ISSUES PRESCRIPTION

All the applicants – Private and Government Land Surveyors, Attorneys and Notaries, Chief Planner - invited to give their views before the Truth and Justice Commission (See attachments) readily admitted that the Law has been respected in all circumstances. Yet, it must be observed that the information contained in the

Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit. For example, in certain Notices, the description given is so vague. In so many Notices, mention is often made "On the first side by a public road", "on the second side by an unknown proprietor", "on the third side, proprietor is unknown", etc. The law is clear as to the "precise description", "the exact location", "the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land." It is very difficult to believe that the person who has been occupying a plot of land since 30 years does not know the name of his neighbours.

There have been cases where

#### Reference 167 - 0.01% Coverage

published in a Chinese daily.

It has also been observed that the very person who prescribes a plot of land does not have to swear the affidavit. Only the two witnesses take the whole responsibility. He just gives instructions to swear the affidavit but does not participate in the procedure.

It may happen that a person accused of having prescribed a plot of land might later say that he was not aware that this land had been prescribed in his name.

The Commission thus recommends that the Second Schedule of the Affidavit of Prescription Act be amended to include information on the searches, made by the Surveyor, relating to the last known owner of the land being prescribed.

The legal status of land either in Mauritius or Rodrigues falls under three categories: State Land; Domaine Public inclusive of Pas Géométriques; and Private Land

All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a category of land which belongs to the public at large by nature of its use: roads, beaches, sea, rivers and which are imprescriptible and inalienable.

The Private land is lands under private ownership which at a certain point in time either during the French occupation or the British occupation has been conceded/ granted to someone. There is thus no such thing as ownerless land.

Any professional being a Land Surveyor, Attorney or Notary should be able to trace back the owner of any land in Mauritius or Rodrigues.

It must be made mandatory

#### Reference 168 - 0.01% Coverage

of the last known owner.

At the same time, any Notice under the Affidavit of Prescription Act should be published with its appropriate location plan that will help in the identification of the land by the former owner.

No Notice of Affidavit of

#### Reference 169 - 0.01% Coverage

the credibility of any witness.

OTHER LAND USE AND SOCIAL ISSUES IN RODRIGUES

THE COMMISSION RECOMMENDS □ Adoption of a Physical Development Plan and of a Land use Plan. □ Finalise the Land Information System □ Ensure that projects are in line with defined strategies for land use development.

□ Provide accurate information on state land ownership status and development at any point in time.

□ Align and revise rental of land in accordance with market rates. □ Improve legal framework for town & country planning and land use. □ Regularise all eligible occupiers of State lands. □ Respond to the land requirements of all Commissions for timely implementation of public projects.

□ Planning clearances for residential and commercial/industrial projects on state land prior and after lease of land.

□ A digitalised Cadastre of all

#### Reference 170 - 0.01% Coverage

Rodrigues effectively established and updated.

□ Review of State land leases effectively for optimising Government revenue. □ Grant of lease to applicants occupying state land. □ Effective vesting of State lands and acquisition of private land for public projects.

□ Land Use Planning and management processes in place and promoting improved and sustainable land use

□ Effective land administration services in place, accessible to all and protecting the land rights of all citizens.

□ Lack of an endorsed framework for land planning and land use, thus encouraging a scattered pattern of settlements.

□ An efficient management of land resources with a view to achieving economic prosperity, social equity and preserving the natural beauty of the island.

#### OBSERVATIONS AND RECOMMENDATIONS

There is

#### Reference 171 - 0.01% Coverage

itself before the Supreme Court.

After having reviewed the numerous laws regarding prescriptions, the Commission recommends to do away with the whole procedure of affidavit and to provide for an alternative way to effect the transcription of prescribed plots of land.

It is the opinion of the Commission that the appropriate Protocol would be to exercise more control upon the averments of a person alleging to have prescribed a plot of land. There should be an institution which will ensure the truth of the said averments and which shall have the powers to investigate upon the veracity of these averments. Further, before the same institution, an appropriate memorandum of survey would be required with the possibility of putting questions to the Surveyor.

To summarise, any person who claims to have occupied a plot of land, with all the requisites of acquisitive prescription, shall have the burden of proving same, with at least two witnesses to corroborate the claim. Be it the applicant or the witnesses, they would face a panel who would query them on their averments.

Although this system would not

#### Reference 172 - 0.01% Coverage

non compliance or frauds. 1.

There shall be established in every Local Authority, a committee to be known as the Prescription Committee (hereinafter referred to as "the Committee"), which shall consist of the Chief Executive or his representative as Chairperson, the head of the planning department, the legal adviser of the Local Authority, a government Land Surveyor and a representative of the Ministry of Housing and Lands

2. 3. 4. 5.

The

#### Reference 173 - 0.01% Coverage

as Secretary to the Committee.

The authority for execution of the Committee shall be the local authority of the respective town or district where the land to be prescribed is situated.

The Committee shall disseminate clear

#### Reference 174 - 0.01% Coverage

parties to the competent Court.

16. At the hearing of the Committee – a) The applicant shall be accompanied by – i. at least two witnesses; and ii. the land surveyor who has signed the memorandum of survey referred to in

Section 9 (b). b) The

#### Reference 175 - 0.01% Coverage

nature of the occupation; and

ii. The knowledge of the witnesses as regards the applicant's contention. c) The Committee may examine the Land Surveyor on his memorandum of survey.

d) The Committee shall, if it deems necessary, summon any other witnesses more specifically, the owners of adjoining plots of land.

17. The Committee shall within

#### Reference 176 - 0.01% Coverage

Act, more fully described above.

As per the Prescription of Landed Property Act 41 of 1969 – November 1969 and amended by RL 4/253 – 24 April 1982, someone who is acquiring land by prescription needs not to swear an affidavit of prescription, but has to comply with the other conditions. The procedure remains the same.

The amendments in the Affidavit of

#### Reference 177 - 0.01% Coverage

Truth and Justice Commission 365

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 9.CASES OF LAND DISPOSSESSION

From the numerous cases heard

#### Reference 178 - 0.01% Coverage

the appropriate and relevant documents.

The Commission thus recommends the creation of a Land Research and Monitoring Unit which shall cater for the technical side of the search and an appropriate Tribunal to give legal sanction to a valid claim.

#### FUNCTIONS AND POWERS OF THE LAND RESEARCH AND MONITORING UNIT

1. To receive legitimate complaints

#### Reference 179 - 0.01% Coverage

been dispossessed of their property;

2. To carry out an in-depth investigation concerning an alleged complaint or hold an enquiry into land issues, out of its own initiative or at the instance of interested parties;

3. To advise the applicant

#### Reference 180 - 0.01% Coverage

to draw up genealogical trees;

5. To study plans of grants, relevant Notarial Deeds and any other relevant documents related to land movement;

6. To provide, within statutory limits, assistance, financial or otherwise, to claimants as regards land surveys or other necessary actions;

7. To submit or refer

#### Reference 181 - 0.01% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

The Commission recommends that the work initiated by the Notarial Acts Database project initiated by the Commission be continued by the proposed Land Research and Monitoring Unit as a matter of urgency. The details of this project are to be found in Volume 2 and the database compiled so far in volume 5. A copy has been given to the Ministry of Housing and Lands as well as to the University of Mauritius where students are trained in French and British palaeography and can therefore read notarial acts and participate in this project.

The Commission further recommends the

#### Reference 182 - 0.01% Coverage

Rodrigues to become house-owners.

The National Housing Development Company (NHDC) was set up in March 1991 to plan and implement a National Social Housing Programme with special consideration given to the most vulnerable groups in Mauritian Society. To date, some 12,000 housing units have already been constructed, with a total investment of about 4 billion Rupees. In addition to the costs of constructing the housing units, Government provides land and all the infrastructural facilities, such as roads, electricity, water supply and sewage

facilities. Provision is also made for open space and green areas in these housing complexes, with the possibility of nurseries, schools and community centres. In order to achieve the goal of providing each family with a decent housing unit in Mauritius, the Government intends to build another 10,000 housing units for the poor and the vulnerable.

Achievements in the field of

#### Reference 183 - 0.01% Coverage

of support by social workers.

Similarly, the Rural Diversification Programme (RDP) of the International Fund for Agricultural Development (IFAD) had two components: Micro Enterprise and Micro-Finance Development and Community Development which focussed on land irrigation and in the fisheries sector.

In the year 2006, the

#### Reference 184 - 0.01% Coverage

their new life nor was

there any rehabilitation plan put up. The result was that the ex-slave population was left to fend for itself, without a home, land, money or suitable employment and in some cases, with the family separated. Many families became destitute, were left without medical care. Many however bought or squatted on small plots of land but subsequently lost them.

What really took place after

#### Reference 185 - 0.01% Coverage

by employers and colonial officials.

For generations ex- slaves and their descendants continued to suffer from all kinds of prejudices to debar them from acquiring land or be employed in agricultural activity and be granted portions of state lands in small holding schemes sponsored by government in the second half of last century.

Truth and Justice Commission 381

#### Reference 186 - 0.01% Coverage

was a fact of life.

Rodrigues Island provides an interesting contrast to Mauritius as there has never been any cane production in view of the nature of the soil and lack of precipitation. There the post emancipation outcome was different as there was no divorce from the land and liberated slaves did not abandon agricultural activity because they were given land to farm after abolition. Agriculture continues to be the mainstay of the economy on the Island up to this day.

The time of consciousness

Despite

#### Reference 187 - 0.01% Coverage

Rs 2 M or more,

ii. Cash payment of Rs 1 M, iii. A portion of land, iv. A Firinga type residence, v.

Shares in an enterprise, vi

#### Reference 188 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

10. Jose Rose of the Rastafari movement The Rastafari movement, constitutes a small group of Afro-Malagasy Mauritians established in Chamarel. They have been victims of racial prejudice in their history, because of their lifestyle. They feel they are not lesser citizens of the country. They have been dispossessed of their ancestral land and claim to be the poorest among the poorest class of descendants of former slaves.

11. Serge Antoine The author

#### Reference 189 - 0.01% Coverage

wish to pursue tertiary education

4. better facilities for those Mauritian citizens who wish to visit their ancestral land to pay homage to their ancestors buried on the island, 5. preservation of heritage sites namely the church and cemetery, Truth and Justice Commission 388

VOLUME 1: REPORT OF THE

#### Reference 190 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

6. allocation of plots of land under a small holding scheme, to facilitate cropping and animal farming

7. introduction of Mozambique and

#### Reference 191 - 0.01% Coverage

Riche Terre Planters 16. Archives

##### LAND ISSUES

17. A more sustainable, equitable and judicious use of the environment 18. The TJC and MAURICE ILE DURABLE project 19. Land Issues

ECONOMY 20. Economics, labour and

#### Reference 192 - 0.01% Coverage

equal access of Creoles to

□ land and housing; □ labour;

□ social and economic networks ( from

#### Reference 193 - 0.01% Coverage

##### SOCIAL EQUALITY THE COMMISSION FINDS:

- The British Government abandoned newly-freed slaves in 1835 to their fate without providing them with a home, plot of land, education and training.
- Had ex-slaves and their families been alive today, a plot of land, a house and a Savings Account, opened for all children living in 1835 would have been recommended to the British Government to be given to all slaves found in the Slave Register of 1826, comprising some 66,000 slaves.
- Slaves' desire for land and autonomy were not considered at the time of emancipation, and this constitutes the most important 'unfinished business' of the British Government regarding slavery and abolition.
- There is a need to satisfy the land hunger of Mauritians, particularly of ex-slaves and their descendants.
- Failing this as the British

#### Reference 194 - 0.01% Coverage

and slaves long since dead.

THE COMMISSION RECOMMENDS: 93. The creation of a Land Bank with plots of land for farming and other entrepreneurial

activities so that anyone who is a descendant of slave and indentured who has never owned land before and who wishes to engage in an activity that promotes autonomy be allocated a plot.

94. The creation of a Land Research and Monitoring Centre to monitor all land transactions, fraudulent activities.

95. No more state land to be allocated to those who already have land and noncontinuation of hunting and water leases to private persons and companies.

96. Purchase of private land and more land to be allocated for public parks, hunting.

97. Strong support and encouragement

#### Reference 195 - 0.01% Coverage

farming should be further encouraged.

Land settlement schemes for farming, livestock-keeping, including pig-breeding, to be made available.

Provision of an 'ethnic sensitive service' in all government services,

□ be it in the hospitals

#### Reference 196 - 0.01% Coverage

mutual respect and gender equality.

157. land settlement □ Democratising access to property ownership through the construction of low-cost residential developments/Morcellement for the working classes. It also implies implementing measures to protect and defend the land rights of the vulnerable groups, such as women and working-class families. The land allocated should contain sufficient space for agricultural activities with the accompanying training.

158. social organisation □ The State



#### Reference 197 - 0.01% Coverage

their social and historical background.

160. land dispossession

In line with the various United Nations treaties, Government should promote 'effective and democratic land, property and natural resources governance, management and practices' including decisions on access to land, natural resources and property; land and property rights, land use, and land and property development.

It is the duty of the Government to support citizens who do not have access to land and adequate shelter. Since market forces will not naturally alleviate the situation, land reforms should be proposed to reduce the structural inequalities and medium and long-term measures for housing and land rights need to be put in place to support social stability.

161. child protection

□ When the

#### Reference 198 - 0.01% Coverage

documented throughout Mauritius and restored.

□ Other land can be found to construct monumental Indian-style temples.

□ To encourage Hindu Mauritians to

#### Reference 199 - 0.01% Coverage

Le Morne village have suffered.

168. The inhabitants of Le Morne and neighbouring areas are given agricultural land jointly held by them to engage in agricultural practices to enable them to increase their daily revenue and be autonomous as they used to be.

169. Implementation of recommendations contained

#### Reference 200 - 0.01% Coverage

TERRE PLANTERS THE COMMISSION FINDS:

□ In the case of Bel Ombre and St. Felix sugar estates, the métayers have undergone severe emotional, psychological stress due to loss of land, to lack of understanding and ability to adapt to rapid and changing economic policies in their locality;

□ They have not been provided with sufficient information, advice and guidance in order that to allow them to make informed decisions and benefit from all the options present in the spirit of the various Sugar Efficiency Acts and Privy Council rulings on the issue, which was to improve the weak position of métayers in Mauritian economy and society and to provide greater access to land;

□ They have been left at

#### Reference 201 - 0.01% Coverage

on the part of métayers.

For the original Riche Terre Planters 183. Land be given to them to set up an agricultural Cooperative as many are still in need of assistance. Truth and Justice Commission 426  
VOLUME 1: REPORT OF THE

#### Reference 202 - 0.01% Coverage

Truth and Justice Commission 428  
VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION LAND ISSUES Truth and Justice Commission 429  
VOLUME 1: REPORT OF THE

#### Reference 203 - 0.01% Coverage

been neglected.  
THE COMMISSION RECOMMENDS:  
188. A moratorium on sales of lands to foreign companies and individuals until land hunger in Mauritius has been satisfied.  
189. Complete independent and transparent

#### Reference 204 - 0.01% Coverage

and cultural traditions of Mauritians.  
Style that promotes community cohesion and acreage around houses granted that promotes food self-sufficiency, incorporated in architectural styles and land planning.  
194. A Cultural Heritage Impact

#### Reference 205 - 0.01% Coverage

done under the MID programme.  
□ Building of functional linkages between the two processes will help to create powerful synergies that will benefit all Mauritians, the most important being land use and equity.  
□ For some unknown reason, Culture

#### Reference 206 - 0.01% Coverage

accepted as so by MID.  
□ Equity and sustainability cannot be addressed separately nor without pervasively addressing the land issues. In its opening paragraph, the Final Report of the Working Group on Equity rightly states: "The move toward a sustainable society needs to be based on environment and social justice. Equity is a crucial element when rethinking development, as economic development without taking into account the views and aspirations of the community to a fairer society will inevitably lead to turmoil in the long run". However, there is no mention of land equity in its Report. It is not clear why the Equity Working Group Final Report omitted land issues.

□ Large sections of the population

#### Reference 207 - 0.01% Coverage

used to the best advantage.

□ Mauritius is already about 23% built-up and there is a rising need to provide additional land for economic growth, job creation and other uses, and to open up landownership to ex-patriates. The majority of Mauritians are thus gradually being priced-out of the property market.

□ Current land uses and ownership are directly derived from our island's short and turbulent past of slavery and indenture. The TJC Report may come in very useful to add the essential historical perspective to the MID work that it currently lacks, as well as provide input on how people feel about land issues; as a process, MID is very much looking to the future; yet planning for the future can scarcely proceed without a profound understanding of the past, and how it influences the present.

□ Land issues, as well as access to natural resources, including inshore marine resources, strongly influence the ability of local communities to sustain themselves and their quality of life in general.

□ Though praise-worthy and visionary

#### Reference 208 - 0.01% Coverage

together with the experts views.

197. The TJC's work, based on thorough consultation on land issues, can and should inform the MID process. This would be a step towards the social fabric of Mauritius becoming founded on more equitable grounds. While TJC submissions will soon draw to a close, the MID policy formulation process is still ongoing; therefore, the opportunity still exists to draw land issues into the pursuit of sustainability, without shying away from the difficult ones. Even if answers may not be ready at hand, programmes can be put in place to find solutions, and in so doing, translate the principles of sustainability into action plans.

198. The process of taking

#### Reference 209 - 0.01% Coverage

Truth and Justice Commission 432

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 19. LAND ISSUES THE COMMISSION FINDS:

□ The Commission recommends some measures

#### Reference 210 - 0.01% Coverage

alleviate people's sufferings and trauma.

THE COMMISSION RECOMMENDS: 201. Setting up of A LAND MONITORING AND RESEARCH UNIT

□ A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.

## 202. Continuation of a NOTARIAL

### Reference 211 - 0.01% Coverage

DATABASE PROJECT i.

ii. iii.

The work initiated by the Notarial Acts Database (outline in Volume 2) be continued by the proposed Land Research and Monitoring Unit as a matter of urgency.

That the server to host

### Reference 212 - 0.01% Coverage

and to continue this database.

203. Setting up of a LAND DIVISION OF THE SUPREME COURT Land Division of the Supreme Court should be set up in order to expedite matters.

Moreover, as regards the surveying issues, no amendment boundaries are to be accepted unless they are based on a proper survey supported by plans of acceptable standards and the satisfaction to the Land Monitoring and Research Unit.

i.

Furthermore, there is a

### Reference 213 - 0.01% Coverage

Monitoring and Research Unit.

i.

Furthermore, there is a need to regroup all activities, now concerned with land title matters into one central Authority, introduce the principles of title to land and the creation and maintenance of a Cadastral map. There is also a need to make use of the Cadastral map. This will be a map compiled on a sufficient large scale to show clearly each parcel in the territory. This also applies to Rodrigues Island.

ii. iii.

The Surveyors' field

### Reference 214 - 0.01% Coverage

to Rodrigues Island.

ii. iii.

The Surveyors' field-notes will be retained. All plans, field-notes and computations should be properly filed and numbered. The use of microfiches and microfilms should be introduced to record existing land registration volumes and other archival documents such as concession plans.

There is a necessity to avoid duplication of staff and work, the land Monitoring and Research Unit should be housed in one building.

204. Regroup all activities, now concerned with land title matters into one central authority Truth and Justice Commission 433

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION LAND USE THE COMMISSION FINDS:

□ The control of the use of land is a major problem to Governments. In both developed and developing nations, local and central authorities have tried in a variety of ways to shape the physical layout and contour of their cities and other areas in the realization that how land is used has profound consequences for the well being of their citizens.

□ Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meagre resource.

THE COMMISSION RECOMMENDS: 205. CREATION OF A LAND BANK

□ The Commission recommends the creation of a Land Bank as a panacea to land management. In a context of land scarcity with possible conflicting land use, the Land Bank, if properly formulated by a comprehensive land use policy will ultimately control all forms of land development and will ensure a judicious allocation of lands needed for the island's development.

FOR A BETTER METHOD OF REGISTRATION OF TITLE OF LAND THE COMMISSION FINDS:

□ In many countries, the deed

#### Reference 215 - 0.01% Coverage

subsequent processing.

THE COMMISSION RECOMMENDS:

206. Grouping together of all activities now concerned with land title matters into one Central Authority.

207. The introduction of the principles of title to land and the creation and maintenance of a Cadastral Map.

208. To avoid duplication of

#### Reference 216 - 0.01% Coverage

be properly filed and numbered.

211. The use of microfiches and microfilms should be introduced to archival existing land registration volumes and other archival documents such as concession plans.

NEW RULES AND REGULATIONS FOR

#### Reference 217 - 0.01% Coverage

for transcription of the affidavit.

□

It has also been observed that the very person who prescribes a plot of land does not have to swear the affidavit. Only the two witnesses take the whole responsibility. He just gives instructions to swear the affidavit but does not participate in the procedure.

Truth and Justice Commission 435

#### Reference 218 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION □

It may happen that a person accused of having prescribed a plot of land might later say that he was not aware that this land had been prescribed in his name.

THE COMMISSION RECOMMENDS:

216. It

#### Reference 219 - 0.01% Coverage

his name.

#### THE COMMISSION RECOMMENDS:

216. It is urgent that the Second Schedule of the Affidavit of Prescription Act should be amended to include information on the searches, made by the Surveyor, relating to the last known owner of the land being prescribed.

217. Any professional being a Land Surveyor, Attorney or Notary should be able to trace back the owner of any land in Mauritius or Rodrigues.

218. It must be made

#### Reference 220 - 0.01% Coverage

of the last known owner.

219. At the same time, any Notice under the Affidavit of Prescription Act should be published with its appropriate location plan that will help in the identification of the land by the former owner.

220. No Notice of Affidavit

#### Reference 221 - 0.01% Coverage

Supreme Court.

#### THE COMMISSION RECOMMENDS:

222. After having reviewed the numerous laws regarding prescriptions, the Commission recommends to do away with the whole procedure of affidavit and to provide for an alternative way to effect the transcription of prescribed plots of land.

223. It is the opinion of the Commission that the appropriate Protocol would be to exercise more control upon the averments of a person alleging to have prescribed a plot of land. There should be an institution which will ensure the truth of the said averments and which shall have the powers to investigate upon the veracity of these averments. Further, before the same institution, an appropriate memorandum of survey would be required with the possibility of putting questions to the Surveyor.

Truth and Justice Commission 436

#### Reference 222 - 0.01% Coverage

400 arpents) have been used.

230. In the not too distant past, the Sugar Industry underwent other phases of restructuring, when the railway lines were closed in the 1960s and when exports in bulk sugar were initiated in the late 1970s, then, the employees have had only cash compensation. Additionally, given the poor plight of their descendants and especially among the descendants of dockers, we recommend that the descendants of each employee should be given a plot of land (per employee at that time), in the spirit of the compensation in cash and in kind currently applicable in the Sugar Industry.

231. The Employment Rights Act

#### Reference 223 - 0.01% Coverage

Truth and Justice Commission 438

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 21. RODRIGUES LAND AND SOCIAL ISSUES  
IN RODRIGUES THE COMMISSION FINDS:

□ There is an urgent need

#### Reference 224 - 0.01% Coverage

for 'concertation' on water issues.

THE COMMISSION RECOMMENDS 237. Adoption of a Physical Development Plan and of a Land use Plan.  
238. Finalise the Land Information System 239. Ensure that projects are in line with defined strategies for land use development.

240. Provide accurate information on state land ownership status and development at any point in time.

241. Align and revise rental of land in accordance with market rates. 242. Improve legal framework for town & country planning and land use. 243. Regularise all eligible occupiers of State lands.

244. Respond to the land requirements of all Commissions for timely implementation of public projects.

245. Planning clearances for residential and commercial/industrial projects on state land prior and after lease of land.

246. A digitalised Cadastre of

#### Reference 225 - 0.01% Coverage

Rodrigues effectively established and updated.

247. Review of State land leases effectively for optimising Government revenue. 248. Grant of lease to applicants occupying state land. 249. Effective vesting of State lands and acquisition of private land for public projects.

250. Land Use Planning and management processes in place and promoting improved and sustainable land use

251. Effective land administration services in place, accessible to all and protecting the land rights of all citizens.

252. Lack of an endorsed framework for land planning and land use, thus encouraging a scattered pattern of settlements.

253. An efficient management of land resources with a view to achieving economic prosperity, social equity and preserving the natural beauty of the island.

Truth and Justice Commission 440

#### Reference 226 - 0.01% Coverage

Incentive for a comeback i.

Agaleans have never possessed any land or houses on Agalega, so dispossession does not apply. In his statement in front of the TJC, on 18 August 2010, Mr. Soopramanien said that the Agaleans are not in search of money as compensation but of social services as Mauritians (TJC Hearing N0.381 - 396). However, Agalean descendants, who have been deported, and want to come back to be reinstated and recover their rights of earning their living on what they consider their mother land, or the land of their ancestors, should

be given priority in contractual work according to their competence especially in the field of fishing, construction, agriculture, cultural and social activities etc. (Ref statement of Gino Alfred & Co. on 18/08/10. No.126, 155, 166, 252, 353, 391). An addendum can be made to the note on Article 3.10, p. 8 of Collective Agreement (Document II) as follow: This is not an agreement to exclude employees residing in the islands of Mauritius and Rodrigues. It should be applied on the basis of priority of consideration to interested and eventually qualified Agaleans and/ or Agalean descent residing outside Agalega. i. of C.A (Doc. II) will automatically apply:

ii.

As there is no

#### Reference 227 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

An intensive training program, adapted to the island conditions, and starting at school level, could be launched. Very often, experts learn through the experience of local people. The contribution and advice of elders, with their experience of Agalega, should thus be sought, and plots of land, on a symbolic rental basis, could be allocated to interested families, for gardening and/or farming.

ii. Bassin Capucin, the only

#### Reference 228 - 0.01% Coverage

siècle. Paris: Aubier Montaigne, 1974.

Buti, Gilbert. Commerce honteux pour négociants vertueux à Marseille au XVIIIe siècle. Vol. 1 Cantley, N. "Memorandum of circumstances which affect the value of forest land in the colony of Mauritius." Government Report.

Carter, Marina and Raymond, d'Unienville

#### Reference 229 - 0.01% Coverage

pour la licence. Paris, 1855.

Gibson, James L. "Overcoming Land Injustices: An Experimental Investigation Into the Justice and Injustice of Land Squatting in South Africa." Working Group on African Political Economy, University of California at Los Angeles, May 13-14, 2005. Washington University in St. Louis, 2005.

Gleadow, Frank. Report on woods

#### Reference 230 - 0.01% Coverage

Mémoire de Maîtrise. octobre 1995.

Satchell, Vernon. From Plots to Plantations - Land Transactions in Jamaica 1866-1900. University of West Indies, 1990.

Saunier, Eric. Le Havre, port

#### Reference 231 - 0.01% Coverage



Data

Written records

Data Description

Photocopies of archival documents found in public repositories Photocopies of archival documents found in private repositories Photocopies and printed copies of journal articles, manuscripts, surveys, legal documents and other publications Books, manuscripts, reports and other secondary sources of information Land documents (Land deeds, site plans, Civil Status Office documents and other legal papers) Photocopies of maps

Visual images

Digital photos of

#### Reference 232 - 0.01% Coverage

Documents Proposed National Genealogy Centre

Proposed Land Research Centre

Digitised copies of Civil Status

#### Reference 233 - 0.01% Coverage

Office documents and notarial acts

Land documents containing individuals family trees and notarial documents. Also in this collection are title deeds, transcribed volumes of from registrar office general; Legal documents from notaries, affidavit, hypothécaire, correspondence. documents.

Level

#### Reference 234 - 0.01% Coverage

been associated with this project.

LAND DOCUMENTS The documents will be placed under the responsibility of the Prime Minister's Office until the implementation phase begins.

Access Priority Type of Data

#### Reference 235 - 0.01% Coverage

reasons why they were chosen.

During the Truth and Justice Commission mandate various investigations were undertaken and human research was conducted with and about people comprising of collecting oral testimonies and genealogical information including DNA consent. The Commission: (a) gathered primary and secondary evidences enabling inquiries into slavery and indentured labour in Mauritius; (b) determined appropriate measures to be extended to descendants of slaves and indentured labourers; (c) enquired into complaints of land dispossession and/or prescriptions given before the Commission and (d) submitted a comprehensive report of its activities and findings based on evidences gathered.

#### Reference 236 - 0.01% Coverage

locally.

##### 2. Landownership and dispossession

The cause of the absence of land ownership among descendants of ex-slaves was widely discussed. It was made clear however that ex-slaves had not always been property less and Dr. Allen's work clearly showed the extent of land acquisitions not only after abolition of slavery but property ownership and entrepreneurial activity among manumitted slaves. The question was therefore: if ex-slaves had owned land and businesses, how did they lose them? Were they the only groups to lose them? Is there any possibility for any of them to obtain this land?

Related to this was the mechanism by which people in full possession of title deeds were unable to access their land because of fraudulent activities having been carried out using peoples ignorance of laws, language used in the system.

Transparency in land transactions – current sales, transfers recorded in a public space: internet etc). Reference was made to the backlog of cases and whether a Land Court would help to accelerate matters. While TJC could not correct errors, it could assist a Land court in providing information. It was also important to look at how people's relationship to land was treated by authorities. There was concern that those who occupied someone else's land could do so very easily due to defects in the application of the law. The closure of the Land Court in the 1880s was noted as well as the Tribunal Terrier and these needed to be revived in a new form.

##### Slave/indentured land seizures

Some believed that Indian immigrants had obtained the land of ex-slaves and others that private individuals and institutions had appropriated state land.

The inequality in land ownership was highlighted. It was stated that while those of French origin were given through the system of concessions, land, slaves and capital to start their enterprises, non-Europeans received nothing of the kind so that an economic head start was obtained by those of European origin in Mauritius.

Access to information concerning all land transactions: Much needed to be achieved. VOL 1 Truth and Justice Commission 16

##### Appendix

Information as well as

#### Reference 237 - 0.01% Coverage

and Justice Commission 16

##### Appendix

Information as well as laws and regulations need to be distributed and freely accessible so all could understand them. This was vehemently supported by Dr Richard Allen who was present at the workshop who stated that 'knowledge is power'. All land transactions needed to be accessible to the public.

It was agreed that the way forward was a complete review of laws, procedures and judicial issues governing land ownership and the creation of a Land court, staffed by professionals to ensure the independence of the Land Court and a dedicated personnel to serve it. It was also recommended that the cadastral exercise (LAVIMS) currently going on in the country at that time should be frozen.

##### 3. Culture Identity Racism

#### Reference 238 - 0.01% Coverage

Museum once it is opened.

The site par excellence is the complex on the eastern side of Port Louis comprised of historical buildings all found on State land and currently neglected. It is part of the Buffer Zone of the Aapravasi Ghat World Heritage Property. The Military Hospital complex will provide sufficient space for this and especially as one wing will house the National Art Gallery, a project also to be initiated by the Prime Minister's Office. This Hospital was built by slaves and indeed housed sick slaves on one floor. It is surrounded by other buildings of direct relation to slavery: the Post Office on which site existed the Bagne for Maroon slaves, the Granary where port workers (descendants of slaves) loaded and unloaded rice, the Customs House where slaves and Liberated Africans passed through when they first arrived in Mauritius in the 18th and 19th centuries, amongst others. Ratsitatanina, the Malagasy Prince, exiled to and executed in Mauritius was imprisoned in the Bagne.

VII. BUDGET (US \$) ESTIMATE BY

#### Reference 239 - 0.01% Coverage

Truth and Justice Commission 56

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS VOLUME 2 VOLUME 2 LAND REFORM  
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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

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#### Reference 240 - 0.01% Coverage

Truth and Justice Commission ii

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Mr. JACQUES DAVID COMMISSIONER  
& TEAM LEADER

Mr. BENJAMIN MOUTOU COMMISSIONER

In

#### Reference 241 - 0.01% Coverage

collaboration with Mr. MAX DERBLAY

Consultant – Land Surveyor

Mr. CANDHAYALALLSINGH SEEBALUCK Senior Attorney

#### Reference 242 - 0.01% Coverage

Mr. CANDHAYALALLSINGH SEEBALUCK Senior Attorney

Mr. RAJACK BAHADOOR Consultant- Land Surveyor

Mr. BURTY FRANÇOIS, BARRISTER AT

## Reference 243 - 0.01% Coverage

Truth and Justice Commission iii

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## Reference 244 - 0.01% Coverage

Truth and Justice Commission iv

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#### LAND OWNERSHIP BY PERSONS

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##### A SOURCE OF OPPORTUNITIES

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GLOSSARY Acte authentique

Acte de

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS INTRODUCTION

JACQUES DAVID COMMISSIONER

DEALING WITH

#### Reference 253 - 0.01% Coverage

WITH DISPOSSESSION: THE HUMAN FACTOR

This Volume deals essentially with land issues brought to the Commission by different persons. It highlights the analysis, conclusion and consolidated report of all the claims submitted to the Truth and Justice Commission at the very start of the work of the Commission in 2009 up to June 2010, according to its objective of inquiring into land dispossession. Eighty-eight cases received by the Commission were referred to the Land Team after the 30th June 2010 which was the deadline for submission of claims. Despite all the efforts made by the Land Team, it has not been possible to process each of those cases. The Commission recommends that all these cases be looked into by a Land Research and Monitoring Unit, should the creation of such a unit be approved and set up by the Government.

#### MANDATE OF THE COMMISSION

Section

#### Reference 254 - 0.01% Coverage

the Commission to "enquire into complaint, made by any person aggrieved by a dispossession or prescription of any land in which he claims he had any interest".

WHAT IS DISPOSSESSION?

For the

#### Reference 255 - 0.01% Coverage

To dislodge; (v)

To deprive.

The work undertaken by the Commission has been laborious, given the short span of time available to probe into more than 300 years of History since the first land grant (concession) was given officially in 1726 to Pierre Christophe Lenoir, a French colon, Director of Pondichéry. Moreover, the task was delicate as it concerned people who have a profound emotional attachment to land they believe they have lost. Working sessions with hundreds of persons from all walks of life, have aroused mixed feelings. People were led to believe that the Commission was a centre where they could be registered on a list to obtain compensation, either as descendants of slaves or indentured labourers; others firmly believed that the Commission was set up to help them recover plots of land which,

they felt, misappropriated.

The Commission

#### Reference 256 - 0.01% Coverage

than a frivolous and vexatious

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

privileged position to dispossess their ancestors of their property, because the privileged could read and write, draft title deeds, using a technical jargon not accessible to the common man, draw site plans, easily 'wrap up' plots of land, deprive them of access, use the "divide and rule" strategies among family members, corrupt them with small gains, with the ultimate aim of appropriating large plots of land for their own benefit. Some victims have invariably fallen prey to self-appointed consultants hiding behind beautifully-presented visiting cards, such as "Récupérateurs des terres", having access to documents either at the

National Archives, the Mortgages Office, the Registration Office and the National Library and para-statal bodies such as the Nelson Mandela Centre for African Culture Trust Fund.

#### METHODOLOGY OF RESEARCH

In pursuance

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and testaments; and • sugar estates.

There was also the need to address the issue of how thousands of ex-slaves had lost their land. A Notarial Acts Database, on the recommendation of Dr. Richard Allen, who has written extensively on land acquisition by ex-slaves, was commissioned and 5 Research Assistants were trained to read Notarial Acts and input them in a database. A copy of this will be, as a priority be handed over to the Ministry of Housing and Lands. continued.

The Commission examined closely

#### Reference 258 - 0.01% Coverage

of Housing and Lands.

continued.

The Commission examined closely the cases on land dispossession from 1721 to 2011, conducted an in-depth study of Land Surveyors' reports, title deeds and deeds of concessions in order to clarify all inconsistencies with a view to better investigating and understanding the mechanism of dispossession. Extensive research was undertaken to analyse the dynamics of centralisation and mergers of the sugar estates and factories over the various eras.

Nevertheless, the setting up of the Truth and Justice Commission has been the catalyst to the claims referred by hundreds of families who feel that they have been dispossessed of their lands for generations. It was not surprising therefore that people flocked to the Commission to seize the opportunity to make themselves heard and explain what, for years, had been their struggle towards understanding and living the process of their ancestral dispossession. In a majority of cases, people were at a loss due to their inability to produce a valid land claim, a title deed, a site plan, a genealogical

tree or a Notarial deed

#### Reference 259 - 0.01% Coverage

either insufficient, or no valid,

information or a total lack of financial means on the part of complainants to attain their ultimate objective of proving their ownership of land. People relied mostly on their memory, focusing on the oral history transmitted by past generations, but many were unable to explain the mechanism that led to the dispossession of their lands.

It is strongly recommended that

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Truth and Justice Commission 2



## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS BRIEF HISTORY OF LANDOWNERSHIP

The system of land grants, coupled with the forced labour easily acquired through slavery, are at the very heart of development and the creation of wealth across the island for those who were at the forefront of the development of the agricultural sector. The system consolidated itself between 1760 and 1810, when Mauritius under French rule gained prestige and wealth. The island's population increased and the planters grew rich. Agricultural prosperity was achieved mainly by an intensive exploitation of slave labour. Between 1767 and 1797, the population had increased to 59,000 inhabitants, including 6,200 whites, 3,700 free persons and 49,100 slaves. The population, in each category, more than doubled during the period. Port-Louis opened to free trade after the demise of the French East India Company saw a major increase in shipping, not only from Europe but also from North America. From 1786 to 1810, almost 600 ships from America called at Mauritius

### Reference 261 - 0.01% Coverage

ships from America called at Mauritius, so much so that an American Consulate was established in Port Louis as early as in 1794. Under the Dutch (1638-1710) there was no allocation of land made to settlers, as the Dutch had no strategy for permanent settlement. At most, a few acres were given on lease to vryburghers. French efforts to colonize the

### Reference 262 - 0.01% Coverage

draw back to Bourbon Island. The development and production of sugar plantations gained momentum when large portions of land were granted as "grants" to some families coming from different regions of France. Labourdonnais and successive administrative authorities of the island, under Magon, Poivre and Cossigny, adopted the same policy of land grant and, eventually, offered land incentives to all those who wanted to settle with their families in Isle de France, to engage not only in sugar plantation and production, but also to cultivate rice, potatoes, maize, ginger, groundnuts, cotton, indigo, coffee and spices, as well as other vegetables on a commercial basis. Even the rearing of bulls of the Charolais and Brahman breed was on the list of activities. LAND GRANTS DURING FRENCH OCCUPATION At the end of De

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Truth and Justice Commission 3

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

For most of the settlers, "l'enfer de Isle de France" did not change in spite of the successive arrival of three other Governors, Brousse (1725-1728), Dumas (1727-1729) and Maupin (1729-1735), all employed by the French East India Company. Most of the inhabitants depended almost entirely on fishing and deer hunting. Moreover, cyclones, thefts and droughts caused severe food shortages. The French East India Company began to make grants of land, varying in area from 146 Arpents to twice or four times this size to some settlers. But the choice of people to whom grants of land were made was often discriminatory. Not all

groups were given land: for example, the officers got the best terms and the French soldiers and ordinary settlers, the worst. Slaves were not allowed to receive land grants. Some officers could get up to 1000 Pas Géométriques, while others had practically half that amount.

About 40 land grants were made between 1726 and 1729 in the areas known as L'Enfoncement des Hollandais, Saint-Martin, L'Enfoncement Bambous, Treize Cantonnes and Anse Jonchée. On the Northern embankment near Trois Ilots, some 20 land grants were completed. Land was given on the condition that coffee, cinnamon and other spices and plants, likely to be used for

#### Reference 264 - 0.01% Coverage

to be used for medicinal

purposes, be produced. In addition, owners of the land were also bound to give up the equivalent of one-tenth of their produce, that is, "one sol in silver and one hen for each Arpent". These regulations changed every two years. Didier de Saint-Martin, for example, was bound to give, for every Arpent, 100 pounds of rice, 100 pounds of maize and 4 ounces of coffee to the Company.

Furthermore, the French East India

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Truth and Justice Commission 4

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

As the garrison was moved

#### Reference 266 - 0.01% Coverage

were covered with sugar cane.

As in the case of the registered "concession" granted, in 1726, in the Saint-Martin area, District of Grand Port, to Philippe Christophe Lenoir, Director of Pondichéry, the East India Company tried to regulate the situation of land grants by deciding that 132 Arpents were to be given to married settlers, workers and soldiers and, in return, 16 hens were to be contributed for each Arpent. The Company Officials and Officers were granted 625 Arpents, and they were to supply 32 hens to the Company. If the land had not been cultivated within 6 years, it had to be returned to the Company. It was also agreed that, in exchange for the land, the settlers had to give up part of their produce. Since the Company held the monopoly of trade, the settlers had to take the whole produce to the Company stores where nine-tenths were to be returned to them in the form of money or other goods. ....

Title deed for one of

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Truth and Justice Commission 5

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

justice, seront reunies et consolidees

#### Reference 268 - 0.01% Coverage

Truth and Justice Commission 6

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The French East India Company hoped to encourage the production of grains and vegetables, pepper, coffee, indigo, cotton, sugar, maize and manioc, but to no avail. They never succeeded; the "grants" depreciated very quickly as the land was never used for cultivation. Flour, wheat, wine, as well as materials for the naval yard, ammunitions, clothes and utensils, were imported from France. Since these did not reach the island regularly, the settlers had recourse to the French possessions in India to provide the needful. Cattle were imported from Bourbon, India, Madagascar, the Cape, and even Senegal.

Because the Company had the

#### Reference 269 - 0.01% Coverage

appointed to head the Judiciary.

The "Conseil Supérieur" granted land, money and tools to the settlers. As most of them were either sailors or military men - so, far from being "agriculteurs" - they continually complained of not getting enough goods in time, as well as about the low prices paid for their products to the French East India Company. The colony was always short of money.

The Royal Edict of 25th

#### Reference 270 - 0.01% Coverage

Truth and Justice Commission 7

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

On 14th July 1767, Isle

#### Reference 271 - 0.01% Coverage

150,000 pounds of rice.

The other administrative bodies, like the "Tribunal Terrier" (Land Tribunal) and the "Conseil de fortifications" were reactivated. The Land Tribunal

advised the Administrators about  
"concession

#### Reference 272 - 0.01% Coverage

Tribunal

advised the Administrators about

"concession" (Land grants). But, in spite of "concession" facilities, the land was left unattended. In 1788, some 210,884 Arpents were granted, but only 72,845 were used.

The new administration of the

#### Reference 273 - 0.01% Coverage

Moka, Plaines Wilhems and Savanne.

Land and slave-ownership were indicators of economic and social status on the island. Besides the French colonists who possessed large areas "concessions", the 'Gens de Couleur', the soldiers (Noirs de Détachement) who participated in "Maroon Detachments", were given 5 Arpents each. Contrary to the French colonists, they were not allowed to cultivate cash crops such as spices (cocoa, cinnamon, pepper, nutmeg or cloves) on their lands. The only cultivation allowed were food crops. The 'Gens de Couleur' gradually developed other activities: buying and selling, renting land and warehouses. They borrowed money to purchase property. As far as slave-ownership was concerned, most of the 'Gens de couleur' owned domestic slaves. Some slave women ended up as partners of the masters.

the Truth and Justice Commission

#### Reference 274 - 0.01% Coverage

Truth and Justice Commission 8

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS BRITISH ADMINISTRATION

The need for finance to

#### Reference 275 - 0.01% Coverage

Truth and Justice Commission 9

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Period 1753 1798 1806

1812

#### Reference 276 - 0.01% Coverage

Port Louis, Montagne Longue and

Pamplemousses slowly began to acquire some importance. Land grants were made in the area of Tombeau River. The early beneficiaries were Louis François Ferry, a merchant and a draper; Charles Millon, a Captain; François Perrault, Jean Capieux and Guillaume Dabadie. They were the first settlers to establish important estates like "Mon Plaisir", "Villebague", the "Forges de Mon Désir", "Mon Goust" and "Pignolet". Pierre de Roma, for instance, who was granted a plot of land in the District of Pamplemousses, formed a partnership with his neighbour, another settler and founded a company with his future mother-in-law, of the Pignolet family. Later on, they signed a contract under Labourdonnais' governorship to furnish wood planks for port activities. They were given each 25 slaves and a loan equivalent to 6,000 piastres and 40 heads of cattle to engage in cattle-rearing.

Truth and Justice Commission 10

#### Reference 277 - 0.01% Coverage

Truth and Justice Commission 10

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 1 The Rivière-du-Rempart & Pamplemousses main "grants"

i. The "concession" grant given

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Truth and Justice Commission 11

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS In his book *Island of Swan*, Michael Malim pointed out that the improvements made by Labourdonnais and the prospect of a pleasant, pastoral life, unclouded by the imminence of duns, attracted considerable numbers of settlers from good French families, ruined by the collapse of the Mississippi Bank, and the credit edifice known as the System Law. These newcomers secured land in the interior of the island and settled down to live in seclusion on their estates, only visiting Port Louis for an occasional ball, a festival of the Church or when business compelled them to. They quickly formed a community apart, aloof and contemptuous of the rabble of petty officials, brokers and low-class adventurers who thronged the port and, thereby, laid the foundations of a social structure which has persisted to this day, with its characteristic snobberies.

Under Labourdonnais, their ranks were

Reference 279 - 0.01% Coverage

Notary Public living at Mahébourg.

But, in 1804, in the aftermath of the Slave Revolution in Haïti, some 313, 026.61 Arpents, out of the 432, 680 Arpents of cultivable land of the island, at that time, were given as "grants" which would give rise to a frenzied and hectic development of the agricultural production, mainly sugar, over a short period as demonstrated below:

Truth and Justice Commission 12

Reference 280 - 0.01% Coverage

Truth and Justice Commission 12

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Districts Moka Plaines Wilhems Rivière Noire Savanne Grand Port Flacq Riv.-du-Rempart Pamplemousses Total in Arpents THE MERGER SYSTEM After 1825, a new class

Reference 281 - 0.01% Coverage

of that period.

PAMPLEMOUSSES DISTRICT

Jean Baptiste Ogendias, who obtained his land at Petit Bois, commonly known as The Mount, sold it to Antoine Drouët in 1771. In 1795, the estate representing two "grants" of an extent of 312 Arpents, under wheat and indigo cultivation, was purchased by Claude François Chastel. The latter erected thereon a sugar factory. In 1834, the factory was sold to Hunter, Arbuthnot & Company and was named "The Mount".

The Plessis Estate and La

#### Reference 282 - 0.01% Coverage

203. 26 313 026.61

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Of the estate's 4,524

#### Reference 283 - 0.01% Coverage

area was named Beau Plan.

While in 1794, indigo was the main crop grown on the estate land, it was rapidly replaced by sugar cane. The land acquired by Beau Plan Sugar Estate Company was 448 Arpents, but the area increased during the period 1882 to 1961. In 1920, 175 Arpents were bought from Souvenir Estate. Subsequently, 400 Arpents were bought from Fair Fund in 1921, 275 Arpents from Vallombreuse Estate in 1941, 602 Arpents from Maison Blanche Estate in 1946, and 150 Arpents from Espérance Estate in 1961. Later on, during that same year, 77 more Arpents were bought from Mon Goût Estate.

RIVIÈRE DU REMPART DISTRICT

Arriving

#### Reference 284 - 0.01% Coverage

Estate.

RIVIÈRE DU REMPART DISTRICT

Arriving from Saint-Omer, France, Jérôme Pilot, obtained a "concession" at Rivière-du-Rempart in 1774 to create what is known today as Mon Loisir. The land granted was situated in the middle of an estate of 875 Arpents, on which land his heirs built the Mon Loisir factory in 1820. The factory was made of "wood and not stone." Apart from human labour, donkeys and oxen were also used. Over the years, subsequent land purchases and several centralization processes transformed this sugar cultivation area into a very large estate. The most important land acquisition was that of Beau Séjour in 1947, with a centralized sugar factory at Mon Loisir.

SAVANNE DISTRICT

Following the same

#### Reference 285 - 0.01% Coverage

over several years. FLACQ DISTRICT

The estate on which the Flacq United Estates Limited stands was acquired early in 1816, when Pierre Régnard bought from Jean Auguste Lacroix a plot of land to the extent of 280 Arpents which

Truth and Justice Commission 14

#### Reference 286 - 0.01% Coverage

Truth and Justice Commission 14

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was previously a "concession" of

#### Reference 287 - 0.01% Coverage

Truth and Justice Commission 15

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Lemuria Resort of Praslin, Seychelles

#### Reference 288 - 0.01% Coverage

Bras during the following year.

The Mon Désert Estate, originally situated on the "concession Mon Désert", was granted to Jeanne Gallet, at Saint-Pierre, in 1747, under the French Governor David. The land was, subsequently, purchased in 1827 by Martial Noël who increased the acreage of 220 Arpents, bringing it to some 880 Arpents at the time of his death in 1869. The present Mon Désert Alma factory was created in 1947, after the merger of the Alma

#### Reference 289 - 0.01% Coverage

Truth and Justice Commission 16

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LANDOWNERSHIP

Historians, researchers, Land surveyors, Attorneys, Notaries, Barristers cannot research properly land transactions which may have occurred at different periods of history because of the absence or bad state of these documents. It is also common knowledge that most people are unable to easily access all the Archives relating principally to land transactions. This situation must change. Furthermore, the practice of acquiring, exchanging or selling plots of land through private signature ("sous seing privé") has, in many cases, deprived researchers of opportunities to explain the state of affairs prevailing at that time. The layman, being ignorant of the Law, might have seen in this practice an easy way to undertake land transactions without having recourse to the service of a Notary Public.

Europeans were not the only people to acquire land during the 18th and 19th centuries. Even if Europeans and other settlers benefited largely from the policy of land grants and "concessions" so generously granted to them, the sale of public land by the Colonial Government was also exploited by Africans and Asians at that time.

persons of African and Asian origin and descent in colonial Mauritius") can prove that slaves, manumitted slaves, ex-apprentices and "Gens de couleur" had a profound attachment to the cultivation and exploitation of land, as was the case in African societies before slavery, and as is still the case in Rodrigues.

Supporting documents (See R. Allen, "Land ownership by Truth and Justice Commission 17

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS OBSERVATIONS

After the perusal of various

#### Reference 290 - 0.01% Coverage

left by the deceased persons.

□ The Commission has also arrived at certain findings in relation to landownership and land dispute in Rodrigues. There have been a number of fraudulent practices throughout time. As a result, the Commission has made a

#### Reference 291 - 0.01% Coverage

of recommendations by way of amendments to the laws regulating landownership, land dispute and prescription in Rodrigues. These recommendations are more fully laid down in CHAPTER 3.

□ As regards the collection of

#### Reference 292 - 0.01% Coverage

better controlled through camera surveillance.

□ Concerning the issue of land administration, the Commission finds that there is a need to change from the Deed Registration System to the parcel-based Deed Registration System. The Land Administration, Valuation and Information System (LAVIMS) Project will go a long way towards streamlining and modernizing land transactions in Mauritius.

□ This new system is being

#### Reference 293 - 0.01% Coverage

Truth and Justice Commission 18

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

□ On the issue of prescription

#### Reference 294 - 0.01% Coverage

Prescription Legislation in CHAPTER 6.

□ As a result of various cases heard and claims studied, the Commission finds that there have been a certain number of allegations as regards the ethics and conduct of certain Legal Practitioners, Land Surveyors and land consultants.

The Commission has held several

#### Reference 295 - 0.01% Coverage

laid down in CHAPTER 5.

□ As regards the numerous cases of land dispossession and the various obstacles to recovering the same, the Commission wishes to recommend that a Land Research and Monitoring Unit be set up to cater for these obstacles. Further, the Commission shall also recommend that a Land Division of the Supreme Court be set up to expedite matters in relation to land dispute.

Concern has been expressed regarding the backlog of cases standing before the Supreme Court. It is to be noted that in the past, the closure of the Land Tribunal and the Tribunal Terrier, during the late 19th century, has contributed to the frustration of all those who could resort to this institution to seek redress.

Fraudulent practices, lack of financial resources, ignorance of the law, as well as the inaccessibility to documents and misapplication of the law, and the lack of information concerning land transactions have largely contributed to depriving people of their property.



In this context, the Commission

#### Reference 296 - 0.01% Coverage

measures that could alleviate people's sufferings and trauma. A LAND MONITORING AND RESEARCH UNIT, should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist

#### Reference 297 - 0.01% Coverage

serve researchers, Notaries and Attorneys.

The Land Monitoring and Research Unit will be called upon to carry out an in-depth investigation into any complaint and establish the genealogical tree of the claimants, to advise the applicants after investigation and to offer Mediation to all parties. If an agreement is reached, it should be binding upon all parties, wherever appropriate, to sign the agreement. In case of disagreement, the case will be referred to the Supreme Court.

In this connection, a Land Division of the Supreme Court should be set up in order to expedite matters.

Moreover, as regards the surveying issues, no amendment boundaries are to be accepted unless they are based on a proper survey supported by plans of acceptable standards and the satisfaction to the Land Monitoring and Research Unit

Truth and Justice Commission 19

#### Reference 298 - 0.01% Coverage

Truth and Justice Commission 19

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Furthermore, there is a need to regroup all activities, now concerned with land title matters into one central Authority, introduce the principles of title to land and the creation and maintenance of a Cadastral map. There is also a need to make use of the Cadastral map. This will be a map compiled on a sufficient large scale to show clearly each parcel in the territory. This also applies to Rodrigues Island.

The Surveyors' field-notes will be retained. All plans, field-notes and computations should be properly filed and numbered. The use of microfiches and microfilms should be introduced to record existing land registration volumes and other archival documents such as concession plans.

There is a necessity to avoid duplication of staff and work, the land Monitoring and Research Unit should be housed in one building.

The Commission highly recommends that prescriptions be immediately frozen till the setting-up of the Land Monitoring and Research Unit and the introduction of new amendments to the legislation pertaining to the Affidavits of Prescription Act.

Truth and Justice Commission 20

#### Reference 299 - 0.01% Coverage

Truth and Justice Commission 20

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER ONE HOW DISPOSSESSION HAS TAKEN PLACE Truth and Justice Commission 21

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS HOW DISPOSSESSION HAS TAKEN PLACE

In pursuance of its mandate, the Truth and Justice Commission has been concerned with dispossession of land and real estate. Dispossession has taken place in many ways as specified below:

I. NON-PAYMENT OF THE

#### Reference 300 - 0.01% Coverage

DUE ON THE PURCHASE PRICE

The Commission has noted that people have purchased large portions of land on credit and, on the same day, an Inscription has been registered at the Mortgage Office in favour of the vendor. It appears that the sale price or balance of the sale price has not been paid as the Inscriptions have not been erased. This means that the purchaser has not paid the balance of the purchase price. It is possible that the vendor may have taken back the possession of the property sold. in the Repertoire of observed that the Conservator of

#### Reference 301 - 0.01% Coverage

It has been the lands

purchased are still registered in their names and the inscription has not been erased. This has made the heirs and successors believe that the land still belonged to them. In some cases, it has been noted that some sales were made under certain conditions, more especially "vente à réméré". "Vente à réméré" means that the vendor may re-acquire the property sold after the delay mentioned in the deed. he does not pay, the land will remain the property of the purchaser.

If II. NON-OCCUPATION OF THE LAND BY THE HEIRS AND SUCCESSORS

In some cases, the Commission has observed that the owners and/or heirs and successors have not occupied their lands over a long period of time. This may be due to financial constraints, lack of interest among the heirs or inability to occupy or maintain the plantation. The owners have not abided by the terms and conditions mentioned in the deed of "concession", as a result of which the land was taken back by Government. Leaving the land unoccupied and idle has led the neighbouring owners, more especially the sugar estates, to step in and occupy those lands.

III. FALSE AND INACCURATE AFFIDAVITS

#### Reference 302 - 0.01% Coverage

AND INACCURATE AFFIDAVITS OF NOTORIETY

In some cases, the complainants have declared that, although heirs and/or successors, they have been discarded in the division in kind of the land of their ancestors. This has occurred in cases of acknowledged natural children or children of another union or marriage.

It happened that while giving

#### Reference 303 - 0.01% Coverage

that while giving instructions to Attorneys and Notaries, some heirs have deliberately omitted to hand over Civil Status Acts of those children whom they did not want to inherit the land.

#### IV. MISINTERPRETATION OF WILLS AND

#### Reference 304 - 0.01% Coverage

Truth and Justice Commission 22

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

when he has no descendant

#### Reference 305 - 0.01% Coverage

Truth and Justice Commission 23

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

of a few Attorneys, Land Surveyors, Notaries and Barristers, Officers of para-statal bodies, Local Governments and Governmental Bodies.

A few professionals have regrettably failed to discharge their duties and obligations. It may have happened that these professionals, with the connivance of some Land promoters and/or financiers and/or prospective purchasers, have been accessory for dispossessing people of their Land.

Furthermore, these professionals have failed

#### Reference 306 - 0.01% Coverage

detriment of the real owners.

Another example of dishonesty on the part of certain professionals who have helped unscrupulous persons prescribed land which belongs to owners who hold valid title deeds.

#### VIII. PRESCRIPTION

The Law of

#### Reference 307 - 0.01% Coverage

of abuses and fraudulent actions.

In fact, the Affidavit of Prescription Act does contain numerous loopholes which, over the past years, have encouraged people, who have not occupied a plot of land, without fulfilling all the requisites of acquisitive prescription,

to swear false

affidavits of

#### Reference 308 - 0.01% Coverage

acquisitive prescription,  
to swear false

affidavits of prescription, transcribe these and end up having a legal title to the said plot of land. This situation thereby enables the same persons to dispossess the rightful owners or sell the plot of land, unless challenged. As matters stand, with the existing legislation, two major flaws contribute to this fraudulent system.

In its final recommendations at

#### Reference 309 - 0.01% Coverage

Truth and Justice Commission 24

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE SYSTEM OF LAND TENURE

Mauritius has an Exclusive Economic

#### Reference 310 - 0.01% Coverage

kilometres and spread as follows:

STRUCTURE OF LAND USE IN MURITIUS Whole island

Agriculture Sugar cane

Other agricultural

#### Reference 311 - 0.01% Coverage

Whole island

Agriculture Sugar cane

Other agricultural activities Forest scrubs & grazing land

Reservoirs, ponds, swamps & rocks Roads

#### Reference 312 - 0.01% Coverage

Source: Central Statistical Office, 2010)

The purpose of this section is to highlight the evolution of land tenure from the early days of the French occupation (1715) up to the present.

Land has always been a fundamental concern of every community in the world, since people's livelihood and material wealth often depend on it. The administration and management of this basic asset has not been ignored by early Legislators. For this commodity to be properly managed there must be some mechanism to identify landownership or arrive at an orderly inventory of ownership and interest, especially as settlements begun to radiate and sprawl into grazing grounds.

Referring to this institutional concern in his book, Land Reform and Economic Development, Professor P. Dorner wrote "of the legal, contractual or customary arrangements whereby individuals or organisations gain access to economic and social opportunities through land."

Since land was "available" in abundance but, at times, it was inhospitable. Administrative efforts were more directed at criminal matters rather than to civil ones. It is understandable, therefore, that the need for meticulous attention to demarcation lines, acreage, description and records may have seemed unimportant.

Land Tenure was regulated in Mauritius by French Civil Code (Decaen), commonly known as "Code de l'Isle de France". They were decrees, Ordinances promulgated in France and applied here in the name of the Monarch, Louis XV and later the Emperor.

THE EARLY "CONCESSIONS" (GRANTS)

The

#### Reference 313 - 0.01% Coverage

Emperor.

THE EARLY "CONCESSIONS" (GRANTS)

The first land grant was made on the 5th June 1726 to Pierre Christophe Lenoir, Commandant des Forts et Etablissements Français dans Les Indes Orientales et Gouverneur de Pondichéry. In 1724,

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#### Reference 314 - 0.01% Coverage

Truth and Justice Commission 25

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

land concessions were freely given to those who wanted to settle on the island and to cultivate spices.

These grants, which were under

#### Reference 315 - 0.01% Coverage

were attached to these grants: •

•

The maintenance of sufficient land under forests; The Development of the rest of the land within 3 years.

These grants of large estates

#### Reference 316 - 0.01% Coverage

large number of sugar plantations.

THE LAND TRIBUNAL (TRIBUNAL TERRIER)

In 1767, when Mauritius ceased

#### Reference 317 - 0.01% Coverage

location, extent and demarcation of

conceded lands, as well as all other legal actions pertaining to the civil propriety and to the general enjoyment of land grants.

An important Ordinance was passed

#### Reference 318 - 0.01% Coverage

occupying for the following reasons:

- Those who have been granted the rights to settle on the land by the French East India Company;
- Those possessing a simple request

#### Reference 319 - 0.01% Coverage

Truth and Justice Commission 26

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

□ Holders of Concession Authentique who

#### Reference 320 - 0.01% Coverage

to render their title doubtful.

For the above mentioned reasons, it was?? expedient that the “interested parties” should swear an affidavit, which should be signed by their two nearest neighbours to their possession, and contain a description of their building etc., with a view to adjudicating the land to rightful owner.

FIRST MAPPING OF THE ISLAND

#### Reference 321 - 0.01% Coverage

Truth and Justice Commission 27

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Articles du Code Napoléon, Code

#### Reference 322 - 0.01% Coverage

#### CAPITULATION OF 3RD DECEMBER 1810

Article 8 of the Deed of Capitulation, signed between the French and English Commanders, on the 3rd December 1810 preserved the religion, laws, rights and customs of the people of Isle de France (Mauritius).

This property included land and slaves.

The new Government did not

#### Reference 323 - 0.01% Coverage

alienation of property. From a

very early date, land matters, as well as property litigation and boundary disputes, known as “contestations foncières”, were settled by the Land Tribunal.

As grants grew up in number, a need was felt to give more security and protection to land holdings. Surveyors were called from France to demarcate properties, by a method of metes and bounds. Properties were demarcated by fixing boundaries, and stones were correctly placed. The colonial Surveyors were bound to submit memoranda of survey, after duly assigning the neighboring owners

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#### Reference 324 - 0.01% Coverage

Truth and Justice Commission 28

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

to their operations and calling

#### Reference 325 - 0.01% Coverage

to the arrival of Surveyors:

"It has been reported to the Land Tribunal that many land owners of the region of Terre Rouge have complained that their land parcels have not been properly established, their boundaries not opened because the survey works have not been carried out, consequently they ignored the exact location and extent of their lots. With a view to clarify the situation, the land Tribunal ordained that grantees of grants in the above region should have their lands surveyed, the limits opened and boundary stones placed, in a delay to be prescribed, in default of which they would forfeit their grants and their lands would be returned to the crown.

The Tribunal ordered that within a delay of three months from the day of the present publication all owners of conceded lands in the region of Terre Rouge must have their grants measured and surveyed by Messrs. Bataille and Saucet, land surveyors deputed to that effect. The owners are requested to keep their boundaries opened and to respect the limits set down by the land Surveyors, in default of which their lands would revert to the Crown."

(Editor's Note: Translated from original

#### Reference 326 - 0.01% Coverage

from original text in French)

Similar Ordinances were enacted in other parts of the land covering all the quartiers. The first proper Survey Office was set up in 1803 and was part of the archives Department. When the British annexed Mauritius, the Survey Office became known as the Surveyor-General's Department. In 1904, this was replaced by the Department of Public Works and Surveys, of which the Survey Office became a branch.

There is no Land Department in Mauritius, or anything like the "Service de la Carte" in French Colonies. The nearest approach to such an organization is the Land Registry of the Archives Department which inherited, at the beginning of the British rule, all the papers and documents of the Land Tribunal and is also the repository of all memoranda drawn up, by sworn Land Surveyorsthe Survey Office being concerned with Crown Lands. This collection of memoranda of survey includes some 100,000 plans from about 1753 to date and can be classified as follows:

BOOK LA

LB LC

LD

#### Reference 327 - 0.01% Coverage

PERIOD

FRENCH RULE BRITISH RULE  
Land Court minutes Land Grants BRITISH RULE  
DATE  
1787-1807 1811-1879

**Reference 328 - 0.01% Coverage**

1846 1726-1810 1811-1871  
LAND GRANTS (EXTRACTS AND DUPLICATES)  
VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
of Mauritius, appointed Baron Marier

**Reference 329 - 0.01% Coverage**

of preservation of these records.

In 1956, legal action was initiated against private Land Surveyors who did not comply to the provisions of the Land Surveyors Act. It was confirmed that most so-called Memoranda of surveys, deposited in the past, were not in compliance with the provisions of the Act. In 1966, an important legislation was enacted (Ordinance No. 6 of 1966) wherein the Sworn Land Surveyors Ordinance was amended to bring about important changes in regulating land surveys.

As a result, Section 5

**Reference 330 - 0.01% Coverage**

provisions of the Principal Ordinance.”

The records pertaining to land surveys were handed over to the Permanent Secretary as stated in Section (4) of the Ordinance which reads as follows: “The Permanent Secretary (of the Ministry of Housing and Land development) shall have the care, control and custody of all memoranda deposited in his office and it shall be his duty to ensure the physical protection of all such memoranda entrusted to his care and to make them available to the public for research purposes.”

With the introduction of the

**Reference 331 - 0.01% Coverage**

30 it would be more

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
The Archive Department comprises four

**Reference 332 - 0.01% Coverage**

OF THE CONSERVATOR OF MORTGAGES  
COLONIAL ASSEMBLY TO REVIEW CROWN LAND AND THE REGISTRATION OF DEEDS  
DELIMITATION OF DISTRICT BOUNDARIES; APPOINTMENT



#### Reference 333 - 0.01% Coverage

LEGAL PROCEDURES ON LANDED MATTERS  
CROWN LAND CLASSIFICATION  
According to the Report of

#### Reference 334 - 0.01% Coverage

Truth and Justice Commission 31  
VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
• Catchment Areas (10, 602 Acres

#### Reference 335 - 0.01% Coverage

already been set aside for  
comprises land leased to various Authorities, Board and Corporations. The following have not been included in the above classification: • Land utilized specially for highway Engineering works  
specific purposes and for roads

#### Reference 336 - 0.01% Coverage

amount to 325 Hectares. MÉTAYAGE  
Land tenure among small planters is either freehold or land held under a system of sharecropping, in Mauritius known as MÉTAYAGE, under which the planter gives to the owner of the land a portion of the crop produced on the land, in lieu of rent. The Métayer is a person leasing agricultural land under conditions which entitle the landlord to a share of the crop or any commodities produced from the crop.  
On the 24th June 1949, a motion in the then Legislative Council was tabled on the subject of land Tenure, stating that the Government should appoint a fully representative Committee to prepare an Agricultural Legislation regulating the relations between Landlords and Tenants.  
The following was confirmed from

#### Reference 337 - 0.01% Coverage

possession under certain defined conditions;  
• That, to prevent hardship among tenants through their inability to prove their title to the land, recourse should be had first to registration, when the lease is for a long period;  
• That contracts between métayers and

#### Reference 338 - 0.01% Coverage

registered with the Central Board;  
• That the proposed Legislation would contain provisions whereby compensation for improvement of land would become payable, in accordance with the improved and increased value of the land;

- That in the event of cession of interest of the landlord, the new landlord would have to allow the tenant to remain on the land, until he has reaped his full crop. In the case of a sugar-cane planter, he should be allowed to harvest up to a specified number of ratoon crops, unless he is given compensation; and
- That, in the event of the death of a tenant, priority should be given to his heirs to remain on the land.

Truth and Justice Commission 32

#### Reference 339 - 0.01% Coverage

Truth and Justice Commission 32

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND GRANTS IN MAURITIUS UNDER THE FRENCH AND BRITISH OCCUPATION

#### Reference 340 - 0.01% Coverage

AND BRITISH OCCUPATION 1715 - 1968

Before addressing the Land Grants System (Land Distribution, Occupation and Ownership) during the French and British occupation, it is imperative to set

#### Reference 341 - 0.01% Coverage

the historical background and the contextual environment of that period of colonisation to understand the levers and factors that influenced and determined land tenure system and landownership in Mauritius.

Land tenure system and landownership have been the most important components that have shaped the political, social and economic history of Mauritius since the Portuguese first put the Island on the world map in 1505.

THE BACKGROUND

Discovered by the

#### Reference 342 - 0.01% Coverage

and a Republic in 1992.

When first discovered by the Portuguese the Island has no indigenous inhabitants. The Dutch were the first to exploit the Island's resources but they did not plan to settle a colony, so they did not introduce any system of land tenure.

THE FRENCH (1715-1810) Five

#### Reference 343 - 0.01% Coverage

Grand Port, started construction to

accommodate the administration and the settlers, and allocated some plots of land – ‘concessions et emplacement’ to the few settlers who dared to accompany him on that adventurous enterprise in the name of the ‘Compagnie des Indes Orientales’. The grants of the first settlers were not officially registered.

The start was very difficult

#### Reference 344 - 0.01% Coverage

Truth and Justice Commission 33

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

condition, pests and attacks by

#### Reference 345 - 0.01% Coverage

promising future for the colony.

Those migrants brought to the island were not motivated settlers or entrepreneurs, but soldiers, unskilled workers, tradesman, labourers, ‘plus chasseurs qu’agriculteurs’ and whose ambition and main concern were certainly not to be pioneers settlers or colonists. Most land allocated was left unattended. The few grants under cultivation yielded poor results.

After three years when Denyon

#### Reference 346 - 0.01% Coverage

food, clothes, tools, and equipment.

After the departure of Denyon, Pierre Christophe Lenoir, who was commissioned by the Company to carry out an inspection of the island, took the lead. He constituted the ‘Conseil Provincial’. He took various measures and started to give land grants to the inhabitants. He regularized a few land grants allocated by the previous Governor.

Lenoir started registration and allocated land on terms and conditions that were in force in the French colonies of the West Indies and America. He was granted the first official land grant of the Ile de France on the 5 June 1726 (Ref Vol. LC 1/1).

“LES SEIGNEURS FROM FRANCE”

“Concession

#### Reference 347 - 0.01% Coverage

1).

“LES SEIGNEURS FROM FRANCE”

“Concession” was a form of land distribution and occupation introduced by the French in their colonies, principally in the West Indies, in Louisiana and New France, the present Canada. It was inspired by the feudal system established in France and which has proved to functionadequately; it involved the personal dependency of

#### Reference 348 - 0.01% Coverage

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

land of dense forests to undertake agricultural activities. The objective, in the short term, was to become self-sufficient to feed the colonists, the administration including the militia as well as the slave population and to ensure supply of food stuffs and provisions for the increasing number of ships calling in the port on their way to India and the Far East.

It is worth noting how the land grants were inspired, influenced and governed by the feudal system:

In the Act of Concession

Reference 349 - 0.01% Coverage

no less than nine conditions.

The Grants System of Land Tenure was pivotal to the French colonisation policy. The institutional system has played a major role in shaping the colonial economy, exclusively agricultural, solidly anchored on cheap labour procured by slavery. The scheme opened the way to an agricultural society and established the regime of plantation economy.

The philosophy behind this was

Reference 350 - 0.01% Coverage

products. In the long term,

they would be encouraged to join forces and to associate with other 'habitants' to progress towards bigger estates and plantations. Land that were conceded not profitable was retrieved from the 'habitant' without compensation and annexed to the company's domain and, subsequently, reallocated to other settlers or sold to the highest bidders.

The Company would then target

Reference 351 - 0.01% Coverage

of interest for local consumption.

To encourage the development of agriculture, he granted to those settlers, willing and capable to invest in such ventures, land in the form of concession called "terrain d'habitation" accredited by a notarised contract called 'actes de concession'. The act set out the rights and obligations of each party.

Conditions attached to the grants

Reference 352 - 0.01% Coverage

to an appropriate quantity of

seedlings and plants in proportion to the acreage of his land. In addition, the company had to supply sufficient rations of food to the concessionaire and his family as well as all his slaves for one year until he became self-sufficient.

The grantee or concessionaire had a moratorium of three years to make his land profitable and to start paying to the Company an annual sum equivalent to 10% of the crops harvested on his land.

Reference 353 - 0.01% Coverage

Truth and Justice Commission 35

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The typical grants were made on conditions that land conceded should be cleared, planted and maintained with agricultural activities. The documents provided for the forfeiture of the grants and the re-possession of the land by the 'Compagnie' in the event of breach. (Ref Act of concession to Christophe Lenoir)

Originally, there were two types

Reference 354 - 0.01% Coverage

and people of lower rank.

Later, another type of land grant 'Le terrain quadruple of 625 arpents' was added to the list. This type of grant was generally offered to high-ranking officers of the East India Company. In special circumstances, grants of wider acreage were allocated. The "habitant", on the other hand, wherever he had a concession as

Reference 355 - 0.01% Coverage

concession as 'terrain d'habitation' was

also entitled to a plot of land, in town, free of charge, for the construction of a house 'pour en jouir pour luy et ses enfants ou ayant cause, dans une pleine et entière liberté [...]'

Another type of land grant was the 'Emplacement' with smaller area, allocated for trade and commercial activities.

During the period, 1721-1735

Reference 356 - 0.01% Coverage

marry the increasing single settlers.

LAND GRANTS VERSUS 'ENTREPÔTS'

Under Mahé de Labourdonnais, many plants were introduced in the country. He also reactivated agricultural development, and revived the Sugar Industry. He encouraged settlement and provided women with a dowry to marry settlers. The value of land appreciated greatly with new grants.

Labourdonnais turned Port Louis into

Reference 357 - 0.01% Coverage

activities of 'entrepôts' were reduced.

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

In 1765, after going bankrupt, the Compagnie des Indes returned the Island to the Crown of France. A survey carried out in 1767 showed that 426 grants totalling 375,000 arpents of land, the equivalent of 2/3 of the surface of the island had been allocated by the 'Company des Indes' before its liquidation.

Many grants were not maintained

#### Reference 358 - 0.01% Coverage

economy

##### FROM CHATTEL TO CITIZEN

Though slaves had no right to own lands, in practice, on all 'terrains d'habitation' the colonists used to allocate to their slaves a portion of land called the 'plantage' where they were authorised to cultivate a garden, rear poultry, goats and pigs. They were allowed to sell their products to make some money. The granting of the 'plantage' was not at all an act of generosity; it rather served the purpose of the colonists. When the slaves became self-sufficient, where food was concerned, with the products of their 'plantage', they depended less on the colonist who were supposed to supply them with their daily rations. An important number of slaves bought their freedom with revenue accrued from the 'plantage'.

Experience gained has permitted some

#### Reference 359 - 0.01% Coverage

##### GENS DE COULEUR» AND LANDOWNERSHIP

In 1729, with the development of Port-Louis many free craftsmen and artisans were recruited in India and came to work in the Isle de France; many more came with Labourdonnais afterwards. These people constituted the first free non-European workers and add a new category of person to the population: The 'Gens de Couleur' or coloured people. These people had the right of access to land if they could afford to pay.

No black person or gens de couleur, even if they were free, is known to have been granted land grants in form of 'terrain d'habitation' in the early period of French colonization.

The first 'gens de couleur'

#### Reference 360 - 0.01% Coverage

Truth and Justice Commission 37

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

8% of private land belonged to the gens de couleur. From 1810 to 1830 under the British occupation the acreage owned by the gens de couleur, more than double to reach 36,500 arpents in hectares representing around 14% of private land. The acquisition of land by the Gens de couleur was limited because they did not have access to capital and also because of the on and off enforcement of rules and regulations limiting the purchase of land by this category of people.

BRITISH COLONISATION 1810-1968 When

#### Reference 361 - 0.01% Coverage

introduced from time to time.

As land tenure is concerned, the facts that feudalism had been abolished in France in 1789, forfeitures of land to the Feudal Lord were abolished with the abolition of the feudal system.

Under the Code Napoléon, land was treated as purely allodial, capable of being disposed of as freely as any other property. During the post-Revolutionary period, many concessionaires availed themselves of the clauses to become de facto fully-fledged owners of the land they occupied before the revolution.

In Mauritius however, the system of land tenure based on the concession system remained in force for a long time. Under the British Administration, the lands of the colony, unconceded as at 1810, together with the lands of the French establishment, were enlisted as Crown Land. Those colonists that cannot prove their ownership found their lands annexed to the Crown Domain.

During the period 1790 - 1814

#### Reference 362 - 0.01% Coverage

281,476 arpents were registered

##### LAND OCCUPATION IN 1816

Land occupied by the township of Port-Louis Land occupied by the Port and harbour of Port-Louis Land allocated in the suburb for secondary houses Mountain reserves

Grants allocated with registered deeds Land under review

Unidentified land Total

1,050 arpents 964

610

#### Reference 363 - 0.01% Coverage

Truth and Justice Commission 38

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The practice of encouraging land development by means of the grant of grants was continued by the British after 1810. One of the types of concession that was granted, first by the French and then by the British, was the "jouissance", a term defined in the Council of Europe French-English Legal Dictionary as meaning the "right

to receive the produce of

#### Reference 364 - 0.01% Coverage

or for an unlimited period.

##### LAND OCCUPATION IN 1813

Land Registered Conceded land

Unconceded Land

315,677 arpents 315,904

#### Reference 365 - 0.01% Coverage

arpents 116.765 1/3

The nature of land tenure in Mauritius became a matter of concern to the Colonial Authorities, and a number of amendments and regulations were enacted from time to time.

Regulations of 26 January 1853

#### Reference 366 - 0.01% Coverage

leases on the above terms".

In July 1864, new Regulations replaced the 1853 Regulations. The new Regulations prohibited the disposal of Crown lands "by free grant" but made an exception "in the case of land required for religious, charitable, educational or other purposes of a public nature".

The new Regulations contained the

#### Reference 367 - 0.01% Coverage

Truth and Justice Commission 39

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Further, it was contemplated that

#### Reference 368 - 0.01% Coverage

reunited to the Crown domain".

By letter dated 12 July 1872, five Commissioners were appointed to make an enquiry into the extent, tenure and management of Crown Lands in the Colony, and their eventual Report constitutes Appendix No. 1 to Minutes No. 3 of 1874 of the Governor's Executive Council. Chapter II of the Report dealt with the then existing forms of tenure of Crown land and paragraph 3 of the Chapter with jouissances. After referring to the requirement in the 1864 Regulations for jouissances to be exchanged for grants in perpetuity or leases, the Commissioners commented that:

"...there are still in existence, a large number of grants of this class" and that "it would appear that the intention of the authorities in making this provision has not been fully understood". They urged upon the Governor "... the expediency of immediate measures being taken to remove this element of uncertainty and indefiniteness in the titles of land belonging to the Crown. They proposed either by the holders ceding their rights on receiving compensation, or acquiring an absolute grant on favourable terms, or, where neither of these courses is possible, by requiring them to accept, in lieu of their grants 'en jouissance', lease rights."

Despite the attempts of the British Authorities to reform land distribution, they did not have much success. Their promise of respect for the laws of the country and the difficulty to master the Code Napoléon and the Code Decaen allowed for abuses and malpractices on the part of the colonists. It is only after the law of 1874, following the reports of a Commission that amendments were brought for a better system of Land tenure.

THE WORK OF DESCUBES

On

#### Reference 369 - 0.01% Coverage

tenure.



#### THE WORK OF DESCUBES

On 23rd May 1874 the Governor Sir Arthur Gordon appointed A. Descubes as Draughtsman in the Public Works Department. His duties were to constitute a database for a better management of land. This led him all over the island to update ancient maps and plans and to make copies of ancient plans. On 3 August 1875, at a sitting of the Land Tribunal, he produced his copy of a map showing the beneficiaries of water rights.

Descubes was appointed as Cartographer

#### Reference 370 - 0.01% Coverage

Truth and Justice Commission 40

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

expressly repealed "all parts of

#### Reference 371 - 0.01% Coverage

so replaced the previous Regulations.

Section 1 says that "The Crown lands may be sold at the discretion of the Governor in Executive Council" but excepts from this power, inter alia, the "Pas Géométriques", "a strip of land of at least fifty geometrical paces of five French feet each" measured "from the line of the seashore reached by high water at Spring Tide".

Section 11 of the 1874 Ordinance was more restrictive than Paragraph 2 of the 1864 Regulations; the grants or leases for charitable purposes were authorised but 'shall be conditional on the land being or continuing to be applied to the purposes for which the grants or leases have been made.' It is implicit in this provision that if the condition were to be broken the land would revert to the Crown domain'.

Regulations also provides: "that Persons

#### Reference 372 - 0.01% Coverage

have been the subject of

concession, have in some instances been re-annexed to the Crown, in consequence of the grantees having failed to comply with the clauses and conditions of their Deeds of Concession. The forfeiture of such lands is established and the re-annexation declared by means of a judgment of the Land Court, which, setting aside as it does, the deed divesting the Crown, forms its title to such lands tenure and would be incompatible with landownership under the Civil Code."

According to its title, the

#### Reference 373 - 0.01% Coverage

"Pas Géométriques" may be "leased".

Section 11 provides "No portion of any Crown Land shall be disposed of by free grant or at any other than its full value as herein after or provided for, except in the case of Land required for Religious, Charitable or Educational purposes. The Governor may, upon the advice of the Executive Council that the purposes for which the Land is required are bona fide Religious, Charitable or Educational,

Reference 374 - 0.01% Coverage

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grant a concession or a lease of such Land on payment of a nominal price or rent. All such grants or leases shall be conditional on the Land being or continuing to be applied to the purposes for which the grants or leases have been made.”

Section 12 provides that all sales of Crown Lands shall be by public auction, while Section 13 makes provision for leases of Crown land.

CONCLUSION

The history of land

Reference 375 - 0.01% Coverage

leases of Crown land.

CONCLUSION

The history of land grants in Mauritius stretched over a period of 285 years, started with the first Act of concession witnessing land conceded to Pierre Christophe Lenoir in 1726 by the Compagnie des Indes Orientales, governed by the Feudal Laws. It encompasses the struggle of the colonists for a better system of land tenure, the struggle of the slaves for freedom and justice and for their recognition as citizens capable of holding lands. And the fight of the ‘gens de couleur’ for a better comprehension of their aspirations to acquire land and take part in the set up and consolidation of a ‘pieds-à-terre’ common to all. Where everyone can celebrate and chant the Code Civil: “La propriété est le droit de jouir et disposer des choses de la manière la plus absolue, pourvu qu’on n’en fasse pas un usage prohibé par les lois ou par les règlements.”

Code Civil: “la propriété est

Reference 376 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE RIGHT TO PROPERTY BY NON-EUROPEANS Moreover, it is important to understand who those who could not have access to land. In accordance with the “Lettres Patentes” enacted under the Code Noir in 1723, no person of colour be him black or of mixed blood could benefit from any concession or grant of land in conformity with the stipulation of article 21 of the said Code Noir which reads as follows-

«Déclarons les esclaves ne pouvoir

Reference 377 - 0.01% Coverage

Truth and Justice Commission 43

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

However, the enactment of Ordinance

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Truth and Justice Commission 44

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

CHAPTER TWO LAND

A SOURCE OF OPPORTUNITIES Truth

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND OWNERSHIP BY PERSONS OF AFRICAN AND ASIAN ORIGIN AND DESCENT

RICHARD B.ALLEN, Ph.D

Reference 380 - 0.01% Coverage

B.ALLEN, Ph.D Consultant

Access to and control of land was a major factor that shaped the social and economic history of colonial Mauritius during the eighteenth and nineteenth centuries, and much of the twentieth century. Soon after it colonized the island in 1721, the French Compagnie des Indes inaugurated a policy of making substantial grants of

land to attract European settlers and encourage the

production of the foodstuffs, naval stores, and other commodities needed to support the French political and naval presence in the Indian Ocean. Following the advent of royal rule in 1767, the Colonial Government continued this policy until the late 1780s when it began to sell public land, usually at a very reasonable price, to the colony's inhabitants. The properties, granted or sold to French and other European colonists during the eighteenth century, provided the nucleus around which many of the colony's sugar estates were subsequently built during the early nineteenth century. However, Europeans were not the only Mauritian residents to acquire landed property. Significant numbers of the colony's residents of African and Asian origin or descent also purchased, or otherwise acquired access to or use of land during the eighteenth, nineteenth, and twentieth centuries. Their ability to do so similarly played an important role in shaping the course of the country's social and economic history.

FREE PERSONS OF COLOUR

The

Reference 381 - 0.01% Coverage

Truth and Justice Commission 46

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

other European ships that plied

Reference 382 - 0.01% Coverage

of the eighteenth century.<sup>5</sup>

In Mauritius, as in slave plantation colonies in the Americas, the acquisition of real property was crucial to free coloureds' attempts to establish a significant place for themselves in colonial society. Mauritian Gens de couleur acquired such property in various ways: through grants or purchases of public land, as gifts and bequests from family, friends, and former masters, and by private purchase. The total number of these transactions is impossible to determine, because many of them were handled privately (sous seing privé) and remain hidden from our view.

in part

Between 1748 and

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from our view.

in part

Between 1748 and 1810, however, the Colonial Land Office recorded approximately 410 grants and sales of public land to free persons of colour that provide a vantage point from which to begin reconstructing the history of landownership by free(d) persons of African and Asian origin or ancestry. These documents reveal that only a handful of free persons of colour received grants of public land before Compagnie rule ended in 1767. Most of these grantees were individuals of some consequence to the colony's social, economic, or political life. Elizabeth Sobobie Béty (or Bétia), who received the first land grant made to a non-European in 1758, was the daughter of the King, and later herself briefly the Queen, of Foulpointe, an important slave trading centre on the East coast of Madagascar.<sup>6</sup> Other early free coloured recipients of these grants, such as Louis LaViolette, an interpreter for the Compagnie in Madagascar, and Manuel Manique, a former Maître d'hôtel du gouvernement, were also persons of economic or administrative importance to the colony's wellbeing.<sup>7</sup>

The number of grants made

#### Reference 384 - 0.01% Coverage

to increase significantly after the

establishment of royal rule in 1767. Like the Compagnie des Indes, the royal régime used land grants to create and maintain the support of some segments of the free coloured population. Onehalf of the land grants made to free men of colour during the 1770s, for example, were made to noirs de détachement charged with capturing fugitive slaves. Other recipients of such grants included interpreters, Government servants and Civil Servants, and important seamen. While many more such grants were made during the 1780s to persons with no apparent ties to the Colonial Government, at least one-fourth of the hommes de couleur who received grants during this decade were or had been in Government service.

While grants such as these

#### Reference 385 - 0.01% Coverage

modest one into the early

nineteenth century. Gens de couleur received only 15 percent of land grants made during the 1770s and 1780s, and their acquisition of such public lands remained limited, when these lands began to

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#### Reference 386 - 0.01% Coverage

Truth and Justice Commission 47

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

be sold by the Colonial Government in the early 1790s. No more than 17 percent of all such sales between 1807 and 1810, for example, were made to free persons of colour. The arpentage in free coloured hands remained even less than these percentages might otherwise suggest. In 1788, Gens de couleur owned a mere 3.5 percent of all inventoried land in the colony; in 1806, after almost forty years of actively acquiring real estate, free persons of colour held only 7.1 percent of all inventoried land (see Table 1). The size and location of these grants and sales underscore the fact that Mauritian Gens de couleur possessed only limited economic resources at the beginning of the nineteenth century. More than four-fifths of the properties in question encompassed less than one arpent. Approximately two-thirds of these properties were located in Port Louis or Mahébourg where most of these terrains covered no more than several hundred toises, an area large enough only for the erection of a house, workshop or store and the planting of a modest garden. Mauritian Gens de couleur also began to acquire real property during the mid-eighteenth century as gifts and bequests and by private purchase. As noted earlier, the full extent of this activity is impossible to ascertain because many of these transactions were handled sous seing privé. On numerous occasions, however, free persons of colour called on notaries to formalize these transactions. The survival of tens of thousands of notarial acts executed by Gens de couleur during this era affords a opportunity to chart the general outlines of free coloured land acquisition and ownership and, equally important, to discern how these men and women mobilized the financial resources they need to acquire and develop ever greater quantities of land over time.

Table 1 FREE COLOURED LAND OWNERSHIP AND USE, 1776-1830 Arpents

Year

1776 1780 1788 1806

#### Reference 387 - 0.01% Coverage

105.75b 36,418.75

% All Privately Owned Land

1.3 2.3 3

#### Reference 388 - 0.01% Coverage

vol. 1, pp. 52-227.

The Notarial records reveal that free persons of colour first purchased houses and occasional plots of land on their own account no later than the late 1740s. A sample of 543 transactions drawn from the acts of six notaries active between 1737 and 1820 indicates that free coloured involvement in the local real estate market remained rather limited until the 1790s. A substantial majority of the property transfers recorded before 1780 involved the sale of small houses (cases) and out-buildings such as kitchens and sheds which were frequently situated on public land (terrain non-concédé) in Port Louis. While some of the buildings changing hands had been in their owner's possession for years, others were clearly regarded as investments to be bought and then sold quickly if a reasonable profit could be made on the sale. Both Whites and Gens de couleur dealt in these structures. Between 1748 and 1779, for example, five notaries documented seven sales in which

#### Reference 389 - 0.01% Coverage

384.17b 9,717.25  
% All Land en valeur  
1.1 1.9 2

#### Reference 390 - 0.01% Coverage

1  
14.4 13.0  
VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS free persons of colour purchased buildings from white colonists, twelve sales in which they purchased buildings from other Gens

#### Reference 391 - 0.01% Coverage

sold buildings to white colonists.  
While Gens de couleur occasionally purchased land on their own account during the mid-eighteenth century, the real beginnings of free coloured involvement in the local real estate market date to the 1770s. The notarial records indicate that the pattern of these private transactions was much the same as it had been for their acquisition of public land; transactions involving small plots in the colony's urban centres, and especially Port Louis, outnumbered those involving larger tracts in the rural districts by a substantial margin. This activity continued on a rather modest scale until the 1790s, when the number of private transactions involving free persons of colour began to increase dramatically. This increase is not unexpected; between

#### Reference 392 - 0.01% Coverage

and 1806, the free coloured population tripled in size. However, population growth was not the only factor that contributed to this development. The notarial records indicate that growing numbers of Gens de couleur ventured into the local real estate market because they possessed the capital resources to do so. The increasing regularity with which these men and women paid the full purchase price for land at the time of a sale's formal completion suggests more specifically that, especially after the 1780s, more and more Gens de couleur controlled greater economic resources and enjoyed a certain degree of financial independence. Gens de couleur obtained the funds they needed to purchase land, houses, and other property such as slaves from various sources. In some instances, manumitted slaves were the beneficiaries of generous gifts or bequests from their former masters. On 28 December 1763, for example, François Desveau not only confirmed the freedom of Hélène, the daughter of Roze, négresse de caste indienne, but also bequeathed Hélène the impressive sum of 20,000 livres.<sup>8</sup> The following year, Nicolas Auclair's last will and testament not only freed Susanne, négresse de caste malgache, and her six children on the day of his death, but also stipulated that she was to receive his plantation together with all of his slaves, livestock, furniture, and other personal

#### Reference 393 - 0.01% Coverage

personal possessions.<sup>9</sup> In other

instances, individuals such as Louis LaViollette enjoyed lifetime annuities from former masters or employers.<sup>10</sup> Colonists such as Antoine Codère also loaned money to Gens de couleur such as Jacques Lambert, noir libre créole de l'Amérique, to facilitate the purchase of houses, land, or slaves.<sup>11</sup>

It is difficult to determine the extent to which the economic fortunes of the island's 'Gens de Couleur' in general, and the ability of Mauritian Gens de couleur to acquire land in particular, rested on Whites' largesse. The notarial records reveal that the long-term economic well-being of some free persons of colour and their families and descendants clearly rested on the actions of former masters or other white benefactors. The case of Marie Rozette, an Indian freedwoman who owned 156 arpents and had 113,000 livres in cash assets at her disposal in 1790, is a stunning case in point.<sup>12</sup> In other instances, however, the notarial records suggest that many more Gens de couleur received only modest financial or other economic support from local Whites, and often none at all. A survey of the slave manumissions recorded by the Notary Antoine Gombaud between 5 November 1790 and 4 December 1795, for instance, suggests that most

#### Reference 394 - 0.01% Coverage

Gens de couleur borrowed money.

Free persons of colour, accordingly, looked elsewhere for the capital they needed to participate in the local real estate market. Those who already owned land, houses, or slaves drew on the profits that could be made from the sale of unwanted property. Certain kinds of employment could be very remunerative for those fortunate enough to obtain it. Vivien de Carmasson, for example, agreed  
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#### Reference 395 - 0.01% Coverage

Truth and Justice Commission 49

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

that Baptiste, noir malabar libre, would receive one-half of his estate's produce in return for managing the estate.<sup>13</sup> Rents were another important source of income for individuals such as Marie Louise Eléonore Volatsara, négresse libre de l'isle de Madagascar, who acknowledged receipt, on 28 January 1786, of 8,830 livres from Sieur Delaux Verogue on the Ile de Bourbon for the use of her slaves.<sup>14</sup> As the numerous land grants and sales to members of the Pitcha or Pitchen family between 1774 and 1807 attest, Gens de couleur also drew on familial financial resources or capitalized on quasi-familial ties to secure the funds they needed. While cases such as these demonstrate that some Gens de couleur were able to acquire the means that allowed them to purchase land, including extensive tracts in the rural districts, the modest amount of land in free coloured hands in 1806 indicate that the capital resources available to the free coloured population, as a whole, remained rather limited well  
into the early nineteenth  
century

#### Reference 396 - 0.02% Coverage

well

into the early nineteenth

century. Even when Gens de couleur managed to purchase large tracts of land, they were often unable to mobilize the funds they needed to clear their land and bring it fully into production. Their inability to do so stemmed in part from the fact that this population had to rely heavily on its own financial resources for developmental capital. The necessity of doing so is suggested by the fact that thirty-three of the fifty-seven loans involving Gens de couleur mentioned earlier entailed free coloured borrowers going to other Gens de couleur for the money they needed. However, even when Gens de couleur willing and able to loan money could be found, it is apparent that most of these persons had limited capital resources at their disposal. This state of affairs reflected the fact that a great majority of Mauritian Gens de couleur depended on the colony's service sector for their livelihood during the late eighteenth and early nineteenth centuries and that many, if not most, of these individuals possessed little or no property of consequence.

Census data from this era highlight the extent to which a free coloured household's control of financial resources and ability to acquire land depended, at least to a certain extent, on whether the household in question was headed by a man or a woman. Femmes de couleur, who frequently outnumbered Hommes de couleur by a substantial margin, not only acquired a disproportionately small number of the public lands granted or sold to free persons of colour before 1810 but also often received substantially smaller tracts than did free coloured men.<sup>15</sup> The subdivision of the Grande Réserve during the first decade of the nineteenth century graphically illustrates this fact of economic life; only seven of the twenty-four tracts sold to Gens de couleur were purchased by women. Data from the 1825 Plaines Wilhems census confirm that male-headed households probably controlled a disproportionately large percentage of free coloured economic resources in the island's rural districts by the mid-1820s, if not before.<sup>16</sup>

The economic fortunes of Port Louis's free coloured residents, like those of Gens de couleur who lived in the rural districts, varied widely. Almost 30 percent of the city's free coloured households owned no taxable property in 1806, while another 41 percent of these households possessed either real property or slaves, but not both. Even those free coloured persons fortunate enough to own both real property and slaves were often persons of rather modest means as the appraised value of their land and/or buildings attests. Of the 664 households whose property was appraised, 9.6 percent owned only a house, usually described as a straw hut (paillote) of no value, 50.5 percent owned property valued at less than 250 piastres (\$), 17.8 percent held property valued from \$250 to \$499, and 22 percent owned property valued at \$500 or more. The value of free coloured real property in the city that year totalled \$247,879 compared to \$2,582,765 for the city's white residents.<sup>17</sup>

By the end of the first decade of the nineteenth century, Gens de couleur had become an integral part of the island's economic landscape, owning more than 7 percent of all inventoried land. Their ability to carve out

this small, but distinct, place

#### Reference 397 - 0.01% Coverage

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persons of colour were farming more than 9 percent of all cultivated land in the colony. It is impossible to determine the value of free coloured possessions or economic activity at this point in time with any precision, but estimates of the value of the land, slaves, and livestock they owned and the value of their agricultural production suggests that Gens de couleur accounted for approximately 10 percent of the island's agricultural and related wealth in 1806.<sup>18</sup>



The 1810s and 1820s witnessed a steady increase in free coloured land ownership. By 1825, Gens de couleur owned 11.3 percent of all inventoried land compared to 7.1 percent in 1806; by 1830, that figure had climbed still further to 13.4 percent. Gens de couleur also owned a steadily increasing percentage of land under cultivation; in 1825, they possessed 14.3 percent of all such land, compared to 9.1 percent in 1809. These changes were linked closely to the development of the sugar industry. The transformation of white-owned estates into sugar plantations, especially after the 1825 equalization of the tariff on Mauritian and West Indian sugar entering Britain revolutionized the sugar industry, offered Gens de couleur an opportunity to become increasingly important as producers of basic foodstuffs needed in the colony. The only production figures we have from this era provide some sense of how important this activity had become by the late 1820s. In 1829, free coloured agriculturalists produced 36 percent of the island's maize, 23 percent of its potatoes, 19 percent of its manioc, 10 percent of its wheat, and 19.5 percent of its garden produce and miscellaneous grocery items.<sup>19</sup> Gens de couleur also began to grow sugar cane; in 1825, they accounted for 4.1 percent of all land planted in cane, a figure that rose to 7.5 percent in 1830.<sup>20</sup>

By 1830, the last year

#### Reference 398 - 0.01% Coverage

comprehensive information about free coloured economic activity exists, Gens de couleur controlled perhaps as much as one-fifth of the colony's agriculturally related wealth, including 13.4 percent of all inventoried land. The Commission of Eastern Enquiry, appointed in 1826 to investigate the colony's condition, would acknowledge the increasingly important role Gens de couleur played in shaping the contours of the colony's social and economic life, the importance of which would become even more apparent following the abolition of slavery in 1835 and the collapse of the apprenticeship system in 1839.

EX-APPRENTICES AND THE POST

#### Reference 399 - 0.01% Coverage

##### AND THE POST-EMANCIPATION ERA

According to the terms of the Act that abolished slavery in Mauritius in 1835, the colony's new freedmen were required to continue serving their former masters as "apprentices" for a period not to exceed six years. Termination of the apprenticeship system on 31 March 1839 removed the last legal impediments to the colony's former slaves' ability to reap the fruit of their own labor. As the archival records make clear, the economic fortunes of many of these new freedmen and women rested on their ability to mobilize capital, acquire land, and exploit the economic opportunities that existed during the late 1830s and 1840s.

Contemporary sources indicate that the

#### Reference 400 - 0.01% Coverage

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informed Armand Hugnin, Civil Commissioner

#### Reference 401 - 0.01% Coverage

without the owner's consent.<sup>24</sup>

These various reports indicate that the movement by ex-apprentices onto the land was a complex process, one aspect of which was that some new freedmen simply squatted on unoccupied public and privately owned land. It is impossible to determine how many former apprentices did so, but substantial numbers seem to have been involved. Early in May 1839, Armand Hugnin was asked to investigate reports that two or three thousand ex-apprentices were illegally occupying land in Plaines Wilhems. Hugnin found these reports to be exaggerated, but did not elaborate further.<sup>25</sup> Squatting remained a serious issue the following year, when Surveyor General Lloyd observed that the largest of the four classes of former apprentices he identified was composed of "numberless" trespassers to be found on the *pas géométriques*.<sup>26</sup>

The details of this activity remain largely hidden from our view. Some ex-apprentices apparently moved quickly to formalize their occupation of a particular piece of land, but the number who did so is unknown. With respect to the leasing of Crown lands by ex-apprentices, Surveyor General Lloyd noted only that title deeds had been made out and that the lands in question had been occupied despite the fact that the lessees had neither paid the costs of having such deeds executed or paid any annual rent.<sup>27</sup> The extent to which squatting on privately-owned land was formalized in a similar manner is even more difficult to ascertain. The records of four notaries active at this time, for example, contain only a few private leases, none of which identified ex-apprentices as the lessees of land.

This lack of documentation does

#### Reference 402 - 0.01% Coverage

not lease, or otherwise attempt to control, the land being squatted on. There is reason to believe that informal understandings or oral contracts became

#### Reference 403 - 0.01% Coverage

during the early 1840s.<sup>28</sup>

If significant numbers of ex-apprentices squatted on vacant properties or leased plots of land, those described by contemporary observers of colonial purchase tracts on which to

#### Reference 404 - 0.01% Coverage

to from the mid-1840s

regularly mention these small landowners. The Reverend A. Denny, for one, observed that while many ex-apprentices lived in and around Port-Louis, "the majority occupy small allotments of land in remote parts of the island."<sup>30</sup> District officials echoed his observation.

The plots in question tended to be small, usually encompassing only one or two arpents, although occasionally former apprentices purchased tracts of twenty or more arpents. The price of these properties varied widely, from as little as ten piastres an arpent in more remote parts of the island to \$100 for an arpent of uncleared land and \$200 for an arpent of cultivated land in rich and well developed agricultural districts such as Pamplemousses and Rivière du Rempart. A striking feature of these sales is that the plots being sold

were frequently described as being part of a larger property. The size of these terrains plus considérables or plus étendus varied widely. The two arpents that Colas, ci-devant apprenti de Mr. Collard, purchased from Mr. Jean Leclair in 1839 were part of a forty-arpent tract, while the one arpent that Pierrine Arlequin, ci-devant apprenti de Mr. Bruniquel, bought from Mr. Pierre Severin in 1841 came from a seven-arpent tract.<sup>31</sup> In some

Truth and Justice Commission 52

#### Reference 405 - 0.01% Coverage

Truth and Justice Commission 52

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

cases, the terrain plus considérable

#### Reference 406 - 0.01% Coverage

the extent of ex-apprentice

landownership. According to F. GIBLOT Ducray, 577 of the 2,526 ex-apprentices living in Savanne were proprietors who tilled their own land.<sup>36</sup> Jonathon Davidson, in turn, observed that exapprentices had purchased 161 acres in Grand Port over the preceding three years at a cost of almost £1,392 (\$6,960), “all of which has been paid, together with the expenses of the deed of sale and title, with very few exceptions [...]”<sup>37</sup>

Notaries were also keenly aware of these developments. The late 1830s and early 1840s witnessed a veritable explosion in the number of land sales being handled by their offices, many of which involved the subdivision of estates and other

large properties. A sample of

#### Reference 407 - 0.01% Coverage

owners decided to subdivide their

properties, it is clear that their decision to do so was a deliberate one. In some instances, some of the sales made to ex-apprentices were undoubtedly intended to formalize their ownership of land which they already claimed, or at least viewed, as their own. Historians have appreciated for some time that the struggle for control of slaves’ provision grounds was an important factor that shaped life during the post-emancipation era in some colonies in the Caribbean.<sup>40</sup> The extent to which Mauritian slaves had access to such grounds is unknown, but scattered references to slaves owning large numbers of pigs, goats, and chickens and trusted slaves being allowed to market fruits, vegetables, and other produce,<sup>41</sup>

suggest that substantial arpentage may

#### Reference 408 - 0.02% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

If some freedmen sought to acquire legal titles to land in which they already had a vested interest, others opted to acquire uncleared or vacant land, often in more remote parts of the island.<sup>42</sup> Their decision to do

so stemmed, at least in part, from their desire to remove themselves from the places associated with their former servitude.<sup>43</sup> However, such sentiments and the actions that apparently flowed from them must be carefully qualified. More specifically, while many Mauritian ex-apprentices clearly changed their places of residence after 1839, the notarial records indicate that at least 75 percent of those who purchased land during the *petit morcellement* already resided in the same district in which the land they were buying was to be found.

This propensity of Mauritian ex-apprentices to reside in the general vicinity of the small properties they purchased is not unexpected. Post-emancipation Caribbean history is replete with examples of former apprentices who, despite an intense desire to dissociate themselves from all vestiges of their former condition, nevertheless continued to live in relatively close proximity to the estates on which they had once labored. Their reasons for doing so are not difficult to discern. Complex webs of social, economic, and psychological ties that had been created over the years were not easily or readily dismantled. Moreover, many estates included large areas of uncleared or unused arpentage, precisely the kind of land that estate-owners were inclined to sell and former apprentices were inclined to acquire, especially if they had lived on or near the land in question.

The ability of ex-apprentices to acquire such properties stemmed in part from the fact that some of these men and women apparently possessed substantial amounts of cash. Exactly how much money ex-apprentices held cannot be determined with any precision, but considerable sums seem to have been involved. The cost of acquiring an adult apprentice's services between 1835 and 1839 ranged from \$200 to \$250, a fact which suggests that the 9,000 apprentices, who reportedly purchased their freedom before emancipation, spent at least \$1,800,000 to do so. The ability of slaves to accumulate sizeable sums of money is attested to in other ways. Commenting on the demise of a short-lived government-backed Savings Bank in 1831, Protector of Slaves R.H. Thomas not only reported the names of a Government slave and a Government apprentice who had funds in the bank, but also acknowledged that slaves who had saved some money were financially astute enough to appreciate that the 12 percent interest they could expect, when their masters held their funds, was far superior to the 5 percent offered by the Savings Bank.<sup>44</sup> The notarial records likewise confirm that individual ex-apprentices possessed, or had access to, significant financial resources. During the first two years of the *petit morcellement* (1839-40), 75 percent of those who purchased land paid the full purchase price at the time of the sale's formal completion, a figure that rose to 83 percent during 1841-42 and then to more than 90 percent during the remaining years of the *petit morcellement*.<sup>45</sup>

That some Mauritian apprentices commanded such financial resources comes as no surprise. Many slaves either had skills that could be used to generate income on their own account, or had access to provision grounds and were able to market their produce. Approximately 40 percent of those purchasing land during the *petit morcellement* reported their occupation as a craftsman or artisan, while another 20-25 percent engaged in agriculture or described themselves as landowners.<sup>46</sup> The value of this kind of activity remains

Reference 409 - 0.01% Coverage

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That some Mauritian ex-apprentices

Reference 410 - 0.02% Coverage

a year before subdivision began.

The financial incentives to subdivide an estate or other property could be considerable. Returns of 100 to 200 percent on original investments were common for both large and small landowners who engaged in morcellement activity. M. and Mme. Pierre Leclos, for example, realized \$2,506 between mid-1840 and early 1847 from the sale of 42.5 of the 62 arpents they purchased in October 1838 for \$1,000. The demand for land by ex-apprentices and others and the financial rewards for satisfying that demand often encouraged further subdivisions of the small plots created by the morcellement process. Emile Zéphir's activities are a representative case in point. On 18 May 1841 Zéphir paid \$125 to M. and Mme. Eugène Dombreu for a five-arpent tract from the terrain plus considérable the Dombreus had started to subdivide earlier that same year. The following year, Zéphir sold four of the five arpents in question for a total of \$250. This process of submorcellement often continued still further. On 25 May 1841, Fidale Robin purchased 3.5 arpents from the Dombreus for \$140 cash.<sup>49</sup> The following January, he sold 1.5 arpents from this tract to Mlle. Phrasie Ariotte, who paid \$50 down toward the purchase price of \$75.<sup>50</sup> Two and a half months later, Mlle. Ariotte sold two portions (each encompassing one-half arpent) of this 1.5 tract to Benjamin Moujava and Mlle. Geneviève Félix, each of whom paid \$32.50 for their half-arpent.<sup>51</sup>

The colony's ex-apprentices were not the only participants in the petit morcellement. The countryside housed a large free coloured population by the 1830s, and the notarial records indicate that Gens de couleur also actively bought and sold land during this process. The full extent of this activity is difficult to gauge because notarial acts ceased specifying the socio-legal background or status of the persons involved after 1830. As such, Gens de couleur can often been distinguished from ex-apprentices only on the basis of problematic criteria such as surnames, occupations, places of residence, and details about the land in question. With this cautionary thought in mind, we may note that sixteen of the ninety-six subdivided properties in the sample under consideration, or approximately one-sixth of these properties, apparently belonged to free persons of colour. These properties varied greatly in size, from as few as four arpents to almost ninety-two arpents, with more than two-thirds of them encompassing an area of twenty-five arpents or less.

Although local authorities observed that "many" former apprentices held land by the mid-1840s, any sense of the number who did so cannot be ascertained before 1846. The Census conducted that year reported 2,388 "independent proprietors" among the colony's ex-apprentices who accounted for 4.9 per cent of the total ex-apprentice population and 58 per cent of all such proprietors.<sup>52</sup> Unfortunately, the criteria used to distinguish "independent" proprietors from other landowners were not reported; neither is the use to which these properties were put. The 1851 Census reported that the number of ex-apprentice independent proprietors had declined dramatically, to just 778 individuals who accounted for 1.6 per cent of all ex-apprentices and 24.8 per cent of all such proprietors.<sup>53</sup> Contemporary sources are silent about the reasons for this decline, but there is good reason to believe that it was linked to the limited capital resources at the disposal of many former apprentices and to the severe economic crisis that afflicted the colony after four of the five London banking houses that financed the local sugar industry failed in 1848.<sup>54</sup>

Ex-apprentices disappear as a

Reference 411 - 0.01% Coverage

Truth and Justice Commission 55

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early 1850s, for example, make no reference to free coloured land ownership or economic activity and usually do little more than note the number of ex-apprentice births and deaths; after 1857, even these data ceased being reported. By 1861, the difficulties of distinguishing ex-apprentices from the colony's other non-Indian residents led the Commissioners appointed to conduct the

Colonial Census that year to

#### Reference 412 - 0.01% Coverage

##### INDIAN IMMIGRANTS AND THEIR DESCENDANTS

Access to, and control of, land were as crucial to attempts by Indian immigrants to enhance their status and standing in Mauritian society and economy as it had been for the colony's Gens de couleur and ex-apprentices. The archival records reveal that former indentured immigrants numbered among the colony's landowners by the early 1840s. Because notaries did not regularly identify "Old Immigrants" (i.e. indentured immigrants who had completed the required five years of "industrial residence") as such until the mid-1850s, the point in time when former indentured Indian immigrants first purchased land is difficult to ascertain with certainty. A survey of approximately 10,000 acts recorded by three notaries from 1838 through 1849 suggests that one of the earliest such transactions may date to 1841 when Moutou Dacca purchased two of the 6.95 arpents owned by Jean Louis L'Herminette.<sup>56</sup> Purchases of land by persons who may reasonably be presumed to have been Old Immigrants began to be recorded no later than 1841.<sup>57</sup>

#### Reference 413 - 0.01% Coverage

The notarial records reveal that these individuals continued to purchase small plots of land, usually encompassing less than two arpents, at a sustained but modest rate during the 1840s, 1850s, and early 1860s. The various natural disasters that befell the island during the mid-1860s, especially the malaria epidemic of 1867-68, slowed this process, but by the early 1870s, Old Immigrants were not only actively purchasing land once again, but also doing so in numbers that heralded the advent of what has become known as the grand morcellement of estates and properties that continued well into the early twentieth century.

The notarial records indicate that

#### Reference 414 - 0.01% Coverage

Truth and Justice Commission 56

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The grand morcellement began circa 1875. The notarial records reveal that Indian immigrants were actively involved in this process, not only as purchasers of the plots in question, but also as de facto agents for Franco-Mauritian estate owners and as large landowners in their own right. The notarial records, likewise, attest that careful thought and planning went into the subdivision of these properties. When Seewoodharry Bhaguth, an Old Immigrant who arrived in the colony in 1855, purchased a 312-arpent tract from Augustin Perrier in 1875, for example, he declared his intention of subdividing the land in question. Perrier agreed on condition that the land had to be sold for at least \$50 an arpent.<sup>58</sup> The sale of large properties to other Indian entrepreneurs at this time frequently contained similar declarations and terms.

The morcellement process steadily gained

#### Reference 415 - 0.01% Coverage

between 1894 and 1896.<sup>61</sup>

The extent of this activity is also attested to by the rapidly increasing value of the real property acquired by Indian immigrants and their Indo-Mauritian descendants. Indian/Indo-Mauritian investment in land skyrocketed during and after the late 1880s and early 1890s; between 1888 and 1894, immigrants spent Rs. 8,519,676 for land, or almost 60 per cent more than the Rs. 5,342,760 that they had spent on similar purchases between 1864 and 1887. Indian involvement in the local real estate market continued to increase as the nineteenth century drew to a close; between 1895 and 1900, immigrants and their descendants invested another Rs. 10,297,509 in land. The advent of a new century witnessed immigrants and Indo-Mauritians continuing to invest significant sums in land well into the 1920s (see Table 2).

Census data confirm these trends

#### Reference 416 - 0.01% Coverage

immigrants identified as “gardeners” also

swelled, from 7,513 in 1871 to 10,014 in 1881. The 1891 Census noted specifically that the 8,822 Indian gardeners enumerated that year were “very frequently landowners.”<sup>62</sup> Other reports, likewise, highlight the ever increasing amount of land in immigrant and Indo-Mauritian hands. Indian smallholders had 27,928 arpents planted in cane in 1910, or approximately one-fifth of the area devoted to sugar cultivation. By 1920, Indian smallholders and estate-owners had 54,000 arpents in cane compared to 35,480 arpents just six years earlier.

Truth and Justice Commission 57

#### Reference 417 - 0.01% Coverage

Truth and Justice Commission 57

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Table 2

VALUE OF LAND ACQUIRED BY INDIAN IMMIGRANTS AND INDO-MAURITIANS, 1864-1931 Average Annual

Value of Property Acquired

Period

1864-1887 1888-1894

#### Reference 418 - 0.01% Coverage

p. 148; RMD 1904-31.

Indian immigrants and their descendants gained access to land in other ways as well. The notarial records reveal that Old Immigrants began to lease land no later than 1850. While most of these early leases covered the use of one- or two-arpent plots for just a year or two, in some instances Old Immigrants rented substantial tracts of land for extended periods of time. In one of the earliest such transactions on record, Nayena, a labourer who had arrived during the immigration of 1834-38, secured the use of twenty-five arpents already planted in cane for four years for an annual rent of \$150.<sup>63</sup> Other Old Immigrants, such as Mungroo, who held ticket no. 5324/54,248, were soon renting even larger properties for longer periods of time. When Marie and Clémence Morel came to terms with him in April 1859, Mungroo acquired the use of forty-nine arpents for nine

#### Reference 419 - 0.01% Coverage

arpents for nine years for

\$4,171.50.<sup>64</sup> The total value of these leases cannot be ascertained with any degree of certainty, but the scale of this activity is suggested by the 1872 Royal Commission of Enquiry's Report that 5,256 Indians had leased land to or from another party between 1864 and 1871, and that the value of these transactions was estimated to be £122,000 (\$610,000/Rs. 1,220,000).<sup>65</sup>

Still other immigrants and their descendants gained access, albeit a highly circumscribed and problematic form of access, to land by means of métayage or sharecropping. Information on this activity remains limited. Colonial authorities first reported on métayage in 1887 and continued to do so only through 1918, and never included important information on this practice such as the number of persons who earned their living in this manner in their reports. The data at our disposal indicate that the arpentage being sharecropped increased steadily, rising from an annual average of 1,835 arpents from 1887-89 to 6,645 arpents from 1900-04 and then to 23,509 arpents from 1911-14 before peaking at 34,190 arpents from 1915-18.<sup>66</sup>

As had been the case with the island's free coloured and ex-apprentice residents, Indian immigrants and their descendants financed their purchases of land in various ways including drawing upon personal financial resources. The amount of money held by the immigrant population as a whole cannot be ascertained, but various data indicate that some immigrants controlled

Truth and Justice Commission 58

#### Reference 420 - 0.01% Coverage

595 -376,589 -601,542

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

significant cash resources. The Annual Reports of the Government Savings Bank, established in 1837 to encourage "the lower classes of society" to engage in provident financial practices, reveal that the average value of an Indian laborer's savings account between 1851 and 1855 ranged from £18 to £21 (\$90 to \$105) a year and that the total value of such deposits by Indian labourers averaged £11,399 (\$56,995) a year during this period.<sup>67</sup> The fact that an average of 76 per cent of Indian immigrant non-morcellement land purchases between 1840 and 1889 entailed their paying the full purchase price at the time of the sale's formal completion, likewise, suggests that some immigrants had ready access to significant sums of cash, as does the fact that this payment-in-full rate rose to 87.8 per cent for morcellement plots acquired during the 1860s, 1870s, and 1880s.<sup>68</sup>

In other instances, the financing

#### Reference 421 - 0.01% Coverage

be in estate morcellement.<sup>73</sup>

##### LAND OWNERSHIP IN CONTEXT AND PERSPECTIVE

Significant scholarly research in recent years has explored the nature, dynamics, and patterns of land ownership in colonial Mauritius. This research rests on extensive examination and careful analysis of archival materials in Mauritius (especially the exceptional collection of notarial acts held by the National Archives) and the United Kingdom (especially Colonial Office Records at The National Archives, Kew) and a broad range of other sources including: Colonial Censuses during the late eighteenth, nineteenth, and twentieth



centuries; the reports of royal commissions of inquiry appointed during the nineteenth and twentieth centuries to investigate various aspects of colonial social and economic life; Governors' annual reports on the colony's social, economic, and financial condition and their accompanying Blue Books of Departments including the Government Savings

#### Reference 422 - 0.01% Coverage

##### Reports of Government Immigrants/Immigration

Department, and the Registration and Mortgage Department; and reports produced by institutions such as the Mauritius Chamber of Agriculture. Although these rich and diverse sources shed considerable light on the ways in which the colony's residents acquired, and made use of, land, it is important to remember that the sometimes problematic nature of these documents means that reconstructing the history of land ownership in Mauritius as fully or as completely as we would like is a difficult and time-consuming undertaking. That nineteenth-century censuses did not report the criteria used to distinguish "independent" proprietors from other landowners is one example of these problems, while the fact that annual reports on the colony stopped reporting on the extent of landholding by different segments of the island's population during the 1930s is another.

Truth and Justice Commission 59

#### Reference 423 - 0.01% Coverage

##### Truth and Justice Commission 59

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS These sources confirm that many persons of African, Indian, Southeast Asian, and other non-European origin or descent actively bought, sold, and otherwise sought to gain access to, and control, land in colonial Mauritius. The first to do so were members of the colony's 'Gens de Couleur' of colour, composed of both freeborn persons of African, Malagasy, Indian, and Southeast Asian origin and manumitted slaves of equally diverse ethno-cultural origin, whose acquisition of ever greater arpentage was a major factor in their ability to play an increasingly important role in shaping social and economic life on the island during the late eighteenth and early nineteenth centuries. Following the termination of the apprenticeship system in 1839, significant numbers of these former slaves also sought to acquire land by various means. Many Old Immigrants and their descendants followed in their footsteps.

These sources demonstrate the ability

#### Reference 424 - 0.02% Coverage

money needed to purchase or

lease, land; the development and

maintenance of personal, business, and other socio-economic relationships with others of the island's inhabitants, both within and across different communities; their willingness to exploit economic opportunities; and the consequences of the island's dependency on sugar as the mainstay of its economy from the mid-1820s until well into the twentieth century. The sugar industry's heavy reliance on domestically-generated capital not only played a crucial role in shaping major developments such as the grand morcellement,<sup>74</sup> but also highlights the extent to which access to investment and working capital and financial services influenced the extent to which the colony's residents were able to acquire, and retain

control of, land. Changes in the composition of the colony's "gardener" population during the late 1840s and 1850s illustrate the consequences that could flow from an inability to amass, or have access to, capital resources. More specifically, the notarial records indicate that many of the small plots sold during the petit morcellement remained undeveloped and were subsequently sold to Old Immigrants by their original purchasers because they possessed only limited financial resources, an economic fact of life that left many of these men and women struggling to hold their own during the increasingly difficult economic times that characterized the late 1840s and early 1850s.<sup>75</sup> Access to working capital would be equally crucial to the success of the class of Indian/Indo-Mauritian small planters that came into existence during the late nineteenth and early twentieth centuries as a result of the grand morcellement.<sup>76</sup>

The extent to which access to capital is central to understanding the history of landownership in colonial Mauritius is revealed in other ways. The increasing incidence of sharecropping during the late nineteenth and early twentieth centuries may be traced, in so small measure, to the financial problems facing the local sugar industry at this time. Economic considerations also compelled men and women to squat on publically, or privately-owned land. Many ex-apprentices did so because they lacked the money needed to secure legal title to land. The illegal occupation of public lands, especially mountain and river reserves and the *pas géométriques*, by impoverished men and women of all ethno-cultural backgrounds remained a problem for the Colonial Government throughout the nineteenth century. Information on the extent of this activity and those who engaged in it remains frustratingly scarce, but in 1906, the colony's Conservator of Forests noted some of factors that made dealing with the alienation of these lands so problematic: the absence of detailed and accurate maps of the lands in question; the passage of laws such as Ordinance No. 30 of 1895 which essentially destroyed the inalienability of the *pas géométriques*; and the difficulties that arose from the fact that Indian and Creole small proprietors, many if not most of whom were illiterate, had often purchased land in Government reserves "in ignorance and good faith."<sup>77</sup> In so doing, he underscores the need for scholars, Government officials, and the general public to appreciate the complexities – social, economic, and political – that coming to grips with the nature, dynamics, and problems of land ownership in Mauritius, both past and present, entails.

Truth and Justice Commission 60

#### Reference 425 - 0.01% Coverage

Truth and Justice Commission 60

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

SMALL PLANTERS: A SHORT HISTORY

#### Reference 426 - 0.01% Coverage

that the settlement of Indian

immigrants, who worked as labourers in Mauritius, has given rise to the class of small planters, known initially as 'Indian small planters'. The Wilberforce Report in 1913 indicated that there were around 7,500 Indian farmers and 19,720 independent planters. This was made possible through the parcelling of estate lands during the petit and grand morcellement systems. Through savings, purchasing land, cultivation of crops, some small planters even moved away from estates to towns and villages to settle down and have an independent life. As a result, at present, Mauritius has a total of 19,228 planters, out of whom more than 70% belong to the class of small planters. Thus, a majority of Mauritian planters are from the group of 'small planters'.

According to the MSIRI Report

#### Reference 427 - 0.01% Coverage

planter is defined as follows:

"A 'small planter' can be defined as a planter who could possess as little as 0.1 hectares and up to 4.2 hectare of land".

Although the small planters are

#### Reference 428 - 0.01% Coverage

planters on the whole island.

On the other hand, the establishment of cooperatives in Mauritius was a boon for the small planters and allowed them to expand their agricultural lands and made their land more productive through soft loans. The presence of the cooperative movement has existed since 1913, with the setting up of Cooperative Credit Societies in the colony which funded small planters' agricultural needs. The major part of cooperative planters are said to be small planters. Yet, some constraints have halted the development and reform of the Cooperative Societies. As a matter of fact, the drop in sugar production in 1990 has brought a constant decline in the number of cooperative planters from 1990 to 2009 which, therefore, reduced sugar production to a large extent. (Appendix 1, Table 1). As a result, a decline was due to a drop in sugar prices and a rise in the cost of diversification to other crops and sectors, and other problems.

fertilizers,

However, the Sugar Industry

#### Reference 429 - 0.01% Coverage

Truth and Justice Commission 61

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Moreover, Mauritius has been the

#### Reference 430 - 0.01% Coverage

and many other such problems.

In 2006, the Mauritian Government proposed the Multi-Annual Adaptation Strategy for the Action Plan 2006-2015 indicated that small planters (i.e. those cultivating less than 10 hectares) cultivated some 26% of land under cane. This percentage came down as a result of land conversion and cane abandonment, but this category of producers still cultivates a fifth of the total area under cane. This statement proves to be partially true nowadays, with frequent land abandonment issues by small planters.

The sustainability of small planters

#### Reference 431 - 0.01% Coverage

PLANTERS FROM THE INDIAN COMMUNITY

Before the arrival of Indians in this country, lands were not easily valuable, since these were left uncultivated and deserted. Their landing in Mauritius and their hard work were symbolic and exemplary for the inhabitants of the Colony, in terms of respect for the land and the cultivation processes of sugarcane. This emotional attachment to land ultimately became their greatest strength, and they ceaselessly worked in the Sugar Industry. The salaries of immigrants were relatively low; however

#### Reference 432 - 0.01% Coverage

had a unique opportunity to purchase lands through the parcelling system around 1880, and to work for themselves on their own plots of land.  
Mr. Benjamin Moutou, the author

#### Reference 433 - 0.01% Coverage

Royal Commissioners in 1909 reported:  
"Estate owners, unable in times of increasing competition to make their estates pay, when carried on the old lines, and unable or unwilling to modernise their methods and appliances, divided up the whole or portions of their land into small planters and offered them for sale, generally allowing payment by instalments. These small holdings have been taken up almost entirely by Indian Immigrants and their descendants. The total area cultivated in canes by small holders is estimated at about 40,000 acres or 30 per cent of the total area under sugar in 1909. The total area under sugar cultivation in 1909 held by Indians was about 56,025 acres."  
78 sugar prices, the Truth

#### Reference 434 - 0.01% Coverage

Truth and Justice Commission 62

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

According to R. Virasawmy in his 1984 paper, 'A form of Liberation', published in the book entitled Indian Overseas, compared to the 1870s, when land was not available to 'Indian immigrants', they moved on to a situation where they were given access to landownership. Thereafter, there was a new reversal trend where the labourers were part and parcel of the property-owning class in newlydeveloped villages outside estate boundaries.

Cane cultivation was practised as far back as 1876, with the emergence of morcellement system when plots of lands were sold to Indians. In 1913, Indian small planters occupied around one-third of the total area under sugarcane cultivation. This was a good step taken by Indians during their stay in the country, with their limited rights and freedom: "Estates which were not very profitable have thus been parcelled out and the inferior portions of other estates." (Wilberforce, 1913). These inferior plots of land had not been productive for Indian small planters, as their cane yield was less than the yield for estate owners.

However, because of their situations

#### Reference 435 - 0.01% Coverage

Truth and Justice Commission 63

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND ACQUISITION BY SMALL INDIAN PLANTERS AND THEIR DESCENDANTS

In the Report entitled 'A

#### Reference 436 - 0.01% Coverage

Non-Indian planters

8.9 -

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

representing 38,258 acres, while the rest 4.4% were cultivated by Non-Indians. The average area per head by Non-Indians was higher than by Indians. This Census Report of 1940 did not indicate any criteria or categories among the Non-Indians. Thus, the Non-Indians, one can presume, were mostly made up of planters, independent proprietors and very few Creoles. In his book entitled Indians in a plural society, Benedict Burton showed in 1961, that "In La Vallée, a single plot of land was owned by a Creole and the small cane planters of Mauritius were Indians born Hindus, Muslims, Tamils and Telugus."

79

The Agricultural Report of

#### Reference 437 - 0.01% Coverage

less than 1 arpent of

land in the Districts of Flacq, Plaines

Wilhems, Grand-Port and Savanne

#### Reference 438 - 0.01% Coverage

than 1 to 5 arpents.

Figure 2 Distribution of cane land to planters in 1940 A Source: Agricultural Census, 1940

The earliest distribution pattern of sizes of holdings by planters had been accurately fragmented in the Agricultural Census of 1940. Figure 2.0 shows that 58% of planters had cane fields less than 1 arpent, while 33 % of planters occupied between 1 and 5 arpents. Despite the fact that the largest size of holdings was distributed to the least distinct category A, at that time in Mauritius, 87% of cane cultivators were small cane planters, with a population of 12,408. This shows that access to land was easy for the lower class of people, with facility of different sources of finance. It can also be noted that the estates owners accounted for 2% holding greater than 40 arpents.

Table 5 Trend of landownership

#### Reference 439 - 0.01% Coverage

5 21.6 22.6

-

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1990 1995 2009

31,370

### Reference 440 - 0.01% Coverage

the number of small planters.

The overall acreage of land owned by small planters has declined with time. During 1985, there was a sharp rise in land owned by small planters in the second category. (Less than 1 arpent and 5 arpents). Therefore, it could be concluded that small planters had purchased more lands during this period or simply acquired lands through inheritance. For the period 1985-1990, the industrial sector was predominant and greatly contributed to the economy of the country, but it did not affect the small planters. Another fact is that small planters were receiving financial help from cooperatives and banks, as well as Government and private organisations, such as SPMPC which came to the aid of small planters. Between 2000-2009, the country faced a financial crisis, small planters had to deal with the high costs of fertilisers, the reduction of the price of sugar by 36 %, and a high rate of unemployment.

Examples of crises faced by

### Reference 441 - 0.01% Coverage

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- - -

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

petitions and went to lodge

### Reference 442 - 0.01% Coverage

Truth and Justice Commission 67

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 3 Total Area under cane from 1954-1989 Source: SPES 1991: Summaries and Recommendations (Final Report). Small Planters Efficiency Study.

Information about the number of

### Reference 443 - 0.01% Coverage

and Annual Reports of SIFB

After 1976, following the establishment of Sugar Mechanical Pool Corporation, many estates and large planters were massively bulldozing land and preparing their cane fields, just like small planters. In

### Reference 444 - 0.01% Coverage

cane fields,  
just like small

planters. In addition, some small planters did not benefit from these mechanical services, as they had less than 1 arpent of land. In 1985, more than 97% of all planters were small cane cultivators. Reform was being brought to the Sugar Industry after the Sugar Inquiry of 1983 and of the creation of the Mauritius Sugar Authority which provided financial support to a Sugar Industry worker (small planters) either for the acquisition of a house from the sugar estate, which is suitable for long-term occupation, or to buy a plot of land offered by the Sugar Estate or to build his own house thereon. Thus, there was a boom of small cane cultivators, reaching a peak of 33,838 planters. After 2000, a sharp decrease was noted in the number of small planters, due to the financial crisis and other problems.

With the growth in the

#### Reference 445 - 0.01% Coverage

Truth and Justice Commission 68

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS growers (small planters) contributed about 33% of the total annual sugar production that represented a direct source of

#### Reference 446 - 0.01% Coverage

Truth and Justice Commission 69

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS With the progress of centralisation planters, the Commission of Inquiry of 1972-1973 81 raised the problem of reimbursement of transport

#### Reference 447 - 0.01% Coverage

In addition, there was no

central tractor or agricultural machinery stations for associations of small planters. Mechanical services, in 1947, were mainly used for cultivation purposes, bulldozing, preparing the land, removal of stones and boulders, weeding interlines, furrowing and sub-soiling. From a total of 127 tractors operating on sugarcane lands, the estates-owners had the majority, i.e. around 99, while contractors, as well as large planters, owned 14 tractors respectively. Small planters faced lots of difficulties by managing their inferior low-yielding lands provided by sugar estates. The cost of hiring machines was high, and small planters were commercially exploited.

Truth and Justice Commission 70

#### Reference 448 - 0.01% Coverage

Truth and Justice Commission 70

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In order to protect small

#### Reference 449 - 0.01% Coverage

the following terms in 1980:

"A man of more than fifty years of age, who has not completed his primary education, who has a plot of land of less than five arpents not necessarily in the region where he lives and who cultivates his land as a part-time occupation, his main source of revenue being derived from the permanent employment." (Manrakhan, 1984)

Dharmadeho Chacoory was a carpenter by profession, and occupied a small plot of land, planting vegetables for his own family's consumptions. The grandfather, Mr. Beeharry, was also commonly known as 'chacha Beeharry' by local people. He used to work as a labourer, as well as a "typical small planter" in his own land and most of the time in the past; he transported sugarcane in his own cart to the sugar mill from his childhood until the 1980s.

There were very few people

#### Reference 450 - 0.01% Coverage

Truth and Justice Commission 71

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2. Long queuing problems at

#### Reference 451 - 0.01% Coverage

motivate them to cultivate sugarcane.

Plots of small planters, falling under block irrigation projects of Estate factories, should be legally swapped for land amounting to the same value in other areas, if the planters wish to.

Vast training programs on research

#### Reference 452 - 0.01% Coverage

Truth and Justice Commission 72

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Small planters need to regroup

#### Reference 453 - 0.01% Coverage

Truth and Justice Commission 73

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MÉTAYAGE IN MAURITIUS Smita Gya

#### Reference 454 - 0.01% Coverage

Coombes has further refined this



definition for Mauritius. For him, métayers were estate labourers who were provided with a plot of land on the sugar estate where they resided, with the clear agreement that they would grow sugar cane for delivery to the estate factory. They did not pay any type of rent money for the estate land where they grew the sugar cane, "but they received less than the ruling market rate for the cane supplied, which was equivalent to payment of a concealed ground rent in kind."

## 86 2. HISTORY OF MÉTAYAGE

Reference 455 - 0.01% Coverage

## 86 2. HISTORY OF MÉTAYAGE

Métayers are leaseholders who obtained land in the last quarter of the 19th century, during the period of parcellisation and consolidation of the Sugar industry. As many could not afford to pay cash, they were allowed to lease the land on condition that they would supply the mill with canes. Most land was marginal land but today, with irrigation and expansion of Tourism, this marginal land is becoming highly profitable. Hence the desire of the sugar estates to reclaim this land and sell

Independence, the Law and the authorities have been lukewarm in their attempts to protect the historic rights of the métayers when sugar estates wanted to reclaim the land leased.

According to research undertaken by

Reference 456 - 0.01% Coverage

Truth and Justice Commission 74

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

"I find very few of

Reference 457 - 0.01% Coverage

arpents, converted to hectares of arable land, at 91 the disposition of ex-apprentices and indentured workers in South Pamplemousses. He wanted to establish

Reference 458 - 0.01% Coverage

part of Pamplemousses District.

92

"I shall be happy to supply them with fertile land, advance them the necessary seed, and the wood and thatch to build their dwellings, on the terms which I have already alluded. I will, besides, make arrangements with the assistance and under the control of Government, to have their children educated. In making the preceding proposal to Your Excellency, I am actuated by my personal to Your Excellency, I am actuated by my personal interest, by the desire of being useful to a numerous class of men, and lastly by the wish of proving to Her Majesty's Government that, far from rejecting its generous suggestions, the colonists are eager to offer Your Excellency the opportunity of fulfilling them."

93

Within less than ten

#### Reference 459 - 0.01% Coverage

Truth and Justice Commission 75

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

"But, the object of Government

#### Reference 460 - 0.01% Coverage

estate owner/landlord and métayer.

97 estate. 98 land to use". 99

It was also a relationship

#### Reference 461 - 0.01% Coverage

estate and to put marginal

difficulties of irrigation, inaccessibility, or unevenness of the terrain. An Indian working after hours with his wife and children could grow cane on such land."

100

Although unequal, this system

#### Reference 462 - 0.01% Coverage

cane on such land."

100

Although unequal, this system allowed indentured labourers and Old Immigrants to "obtain" land for sugar cane cultivation.

101

begin the long, complex

#### Reference 463 - 0.01% Coverage

first half of the 1900s.

Furthermore, it also gave a chance to small planters to 'acquire' additional land "which enabled many of the latter to double or even treble the area cultivated, as against the area owned by them outside the perimeters of the sugar estate."

103 104 102 Through this 'land acquisition', the estate worker was able to For estate owners, it also meant that

marginal land was transformed into fertile land at little expense on their part. For the estate, "the lands were usually uneconomic for the estate to cultivate because of rockiness of the soil,

'New chains of dependence' emerged

#### Reference 464 - 0.01% Coverage

purchase of his sugar cane.

According to Alfred North-Coombes, "at the same time there was considerable competition for labourers between the various estates. In order to encourage a man and his family to work on an estate, they were often attracted by the loan of some land which, however, had to be cultivated in cane. Some financial help, by way of a loan on the future crop, was also given for the 'mise en valeur' of the land."

105 usually a select group

#### Reference 465 - 0.01% Coverage

them for several years. 107

Benedict indicates: "Estate owners often loaned trusted employees small plots of cane land on the estate to cultivate. One of the motives was to keep the labourers, nearing the end of their contracts, attached to the estate".

th By the mid-20

#### Reference 466 - 0.01% Coverage

importance of the métayers declined.

Estate owners did not give land to anybody; it was 106

Truth and Justice Commission 76

#### Reference 467 - 0.01% Coverage

Truth and Justice Commission 76

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
FROM PLOTS TO PLANTATIONS TO

#### Reference 468 - 0.01% Coverage

toute l'île à cette époque."

In 1753, Rostaing received 50 slaves to work as masons, stonecutters and carpenters to create an oven to melt the iron. The Forges occupied around 4,056 acres of land, plus another 10,000 more acres of forests, kept to supply the estate with charcoal. From 1752 to 1759, Mon Désir employed around 790 slaves and supplied the French Engineer de Cossigny with iron for the construction of fortifications over the whole island. The Forges turned out to be so successful that production amounted to around £1 million of iron of different types per annum. These materials were exported to India.

The slaves, attached to the

#### Reference 469 - 0.01% Coverage

and naming of the site.

Mahé de Labourdonnais owned the land situated in the valley formed by Mount Calebasses, Pieter Both and in the South, at Ferney. Some 236 slaves lived and worked in his indigo factory. Later on, sugar was cultivated to produce arrack, hence the need for a 'guildiverie'. In 1820, a sugar factory was created on the estate and, in 1832, one Daruty owned the estate.

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#### Reference 470 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Cossigny, Manager of the Moulin

#### Reference 471 - 0.01% Coverage

##### FROM SUGAR TO ECONOMIC DIVERSIFICATION

Throughout Mauritian History, the sugar magnates, having acquired large "grants", set up large conglomerates, obtained a cheap labour force to create their wealth. Solitude Sugar Estate was one of the three sugar factories which belonged to the Society Harel Frères Limited. Auguste Dioré was the first owner between 1838 and 1839. He sold 406 acres of land to Jean Baptiste d'Agnel in 1857. Since that time, the land changed hands and increased in acreage several times. The annexation of adjoining lands, resulting from the closing down of factories, increased considerably the factory area of the sugar mill as was the case in other parts of the island.

Other important mergers in that

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Truth and Justice Commission 78

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sold to his children: Louis, Antoine, René and Louise. Louise Harel married Tristan Mallac. Each time the land changed hands, it increased in acreage, as is the case today.

- 1858: Pierre Victor Lanougarède and

#### Reference 473 - 0.01% Coverage

few mergers made over centuries

The Harel family has been so closely connected with the factory that it is still designated as Belle Vue Harel, even if the real name must be Belle Vue Mauricia, when the estates of Belle Vue Mauricia, Mon Rocher, Bon Espoir, Ferret and Forbach were annexed. They can trace their association with the business community as far back as 30th July 1799, when Charles Pierre Harel (1772-1842), from Saint Malo, France, obtained from the Governor of Isle de France the authorisation to command trading vessels. The family business, which started in the 1830's, has turned into one of the most influential business sectors of the Mauritian economy. The group consists of four main companies, namely Harel Frères Limited (cultivating more than 3, 900 hectares of sugar cane land in the North of the island); Harel Mallac & Co. Limited (today comprising of

some 20 subsidiaries and 35 associated companies); The Mount Sugar Estate Company Limited - incorporated in 1913 and which controls 1, 800 hectares  
Truth and Justice Commission 79

#### Reference 474 - 0.01% Coverage

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of sugar land - closed its sugar factory in May 1995; and the Compagnie des Magasins Populaires Limitée, created in 1975 and operating in the distribution sector, affiliated to the French retailing Group "Prisunic", recently taken over by "Monoprix", another major French retailing group.

##### SLAVE OWNERSHIP

As will be

#### Reference 475 - 0.01% Coverage

Truth and Justice Commission 80

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 8 Extract of Slave Registry of 1826 Slave's Family Name

Famille d'Arsenne La Gaité Arsenne

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##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Calique Paul

Isidore

La Fortune

#### Reference 477 - 0.01% Coverage

Truth and Justice Commission 82

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE 20TH CENTURY

The original Société Harel Frères

#### Reference 478 - 0.01% Coverage

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##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

9. Mr. Robert de Labauve

#### Reference 479 - 0.01% Coverage

Truth and Justice Commission 84

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

There exist, nowadays, four categories

### Reference 480 - 0.01% Coverage

efforts to improve yields through

mechanization/irrigation, to reduce both production and management costs and to invest in coproducts. As regards the small planters and "métayers", there was a strong need to improve yield through intensive land preparation, derocking and irrigation.

Of the 72,000 hectares currently under sugar cane cultivation, 22,000 hectares are on free soils and do not require derocking. Some 14,000 hectares belong to the Corporate Sector and very large planters and have already undergone intensive derocking. It is expected that in the following years, the land under sugarcane cultivation will be reduced to 65,000 hectares. This includes 5,000 hectares of land classified as difficult and sensitive since they are found in highly rocky regions or on mountain slopes. Sugar cane in these areas was maintained for environmental and social considerations.

Mauritius has an annual target

### Reference 481 - 0.01% Coverage

through the Sugar Investment Trust.

In the coming years, the non-sugar sector will be confronted by several challenges: the production of a larger volume of quality food crops to satisfy the needs of a much higher inflow of tourists and meet the demand generated by a higher per capita consumption of fruits and vegetables of a population increasingly aspiring to a healthier life style; the production of a wider variety of food crops to cater for the growing demand for safer and higher quality food; and reducing the costs of production through increased productivity per unit area of land and per unit of investment.

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### Reference 482 - 0.01% Coverage

Truth and Justice Commission 85

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

These challenges will be met

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produce 1,000 tonnes of

### Reference 484 - 0.01% Coverage

Truth and Justice Commission 87

**VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS**

Notes Abbreviations:

AIR Colony of

**Reference 485 - 0.01% Coverage**

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47 Turner 1988, p. 28

**Reference 486 - 0.01% Coverage**

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103 Sooryakanti Nirsimloo-Gayan, "A

**Reference 487 - 0.01% Coverage**

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**VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER THREE RODRIGUES ISLAND**

Truth and Justice Commission 91

**VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS INTRODUCTION**

Rodrigues Island is situated 590

**Reference 488 - 0.01% Coverage**

aux- Huîtres in the North.

Rodrigues has an area of 108 km<sup>2</sup> exclusive of the islets. The length and breadth of the island is about 18.4 kilometres and 7.7 kilometres respectively. Mont Limon in the centre is the highest peak (393 metres above sea level). Ninety per cent of its area comprises State lands including, Pas Géométriques, the remaining ten per cent is land under private ownership.

Rodrigues Regional Assembly Act came

**Reference 489 - 0.01% Coverage**

the Civil Code.

**EARLY GRANTS**

Land grants were made across the island in various areas for agricultural purposes. Small portions of land were conceded in Port Mathurin, mostly for residential purposes.

According to a statement dated 15th February 1845 all grants of land made in Rodrigues since year 1812, preserved at the National Archives, a total of 1,978 Arpents were released to 8 beneficiaries.

These lands, originally granted in

#### Reference 490 - 0.01% Coverage

Truth and Justice Commission 92

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS AGREEMENT OF THE CAPITULATION OF 3rd DECEMBER 1810

Article 8 of the Deed

#### Reference 491 - 0.01% Coverage

of the Deed of Capitulation.

Dealings in land must follow the provisions laid down in the Civil Code and the specific legislation. The absence of resident Notaries, Attorneys and Land Surveyors to guide landowners in their dealings has affected the quality of land transactions, by introducing an element of uncertainty in many transactions.

Furthermore, the registration and transcription

#### Reference 492 - 0.01% Coverage

of deeds of sale, lease

agreements, deeds under private signatures were not done under the supervision of specialized qualified officers. The recent establishment of a Registration Office should facilitate the work of professionals in land matters and, thereby, improve the quality of any land transaction.

Land use in Rodrigues has always been a social and economic issue. The absence of a resident Land Surveyor on the island, coupled

#### Reference 493 - 0.01% Coverage

unauthorized occupation of Government lands.

It was only around 1940 that a Government Land Surveyor was posted to Rodrigues as an Officer of the Public Works Department.

The absence of up-to-date maps was an impediment to the preparation of projects and proper land administration. Government initiated a joint project with the 'Institut Géographique National' for the editing of an up-to-date map based on an aerial photography. Under this project, 72 map sheets covering the whole island, on a scale of 1:2,500, were first published in 1986. Beforehand, a set of five sheets covering the whole island on a scale of 1:10,000 was published. This edition was further revised in 2004 by Ministry of Housing and Lands. A project to provide a landownership plan attached to a cadastre was a long-term objective which has not been implemented up to now.

Louis Ange Perrine, Commissioner responsible for lands in the Regional Assembly, deposed before the Commission on 22nd April 2011. He highlighted the numerous problems affecting land, both State lands and privately-owned lands. He also mentioned the absence of a legal framework to control the type of development and define the various zones earmarked for development. Such a tool would enable the authorities in Rodrigues to ensure that development is carried out in an orderly way.

Regarding squatters, the Commission has



#### Reference 494 - 0.01% Coverage

to regularize 4,800 cases

relating to persons who have already put up a house on State land. He proposes also to look into all the laws relating to land, and to submit a consolidated version.

The Truth and Justice Commission

#### Reference 495 - 0.01% Coverage

Truth and Justice Commission 93

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It is worthy of note

#### Reference 496 - 0.01% Coverage

privately-drawn deeds or prescriptions.

The Commission feels that the prevailing situation regarding privately-owned lands will deteriorate, unless something urgent is done. In view of the current situation in Rodrigues, it strongly recommends the implementation of a 'cadastral project' involving privately-owned lands, especially adapted to Rodrigues. This will imply changing from a deed registration system to title registration, after the creation of an Adjudication Tribunal to determine the rights of anyone to each plot of land and issue a guaranteed title deed.

It is recommended that Ministry of Housing and Lands, which has the expertise, should send a team to assess the implementation of this recommendation and make such recommendation as to ensure that Rodrigues is not left out of any land reform administration.

The Commission is aware that

#### Reference 497 - 0.01% Coverage

regulations with regard to Rodrigues.

The Commission has noted that, by Statute, Government Land Surveyors are the only persons authorized to survey lands intended to be prescribed. The Commission feels that a Government Land Surveyor may find himself mixed up in conflicts related to land disputes. Given that a prescription may be effected only on conceded land (that

is, the new legislation which

#### Reference 498 - 0.01% Coverage

which will be applicable throughout

occupation) and that State lands cannot be prescribed, it is felt that this policy should be reviewed in-as-much-as all Land surveyors will have to abide to standard of survey which will be published under the whole of land under private use and the Republic.

Furthermore, the appointment of a Land Surveyors Board to look over the professional conduct of Land Surveyors will ensure that the provisions of the Law are adhered to by all Surveyors in private practice.

RODRIGUES, THE ENVIRONMENTAL CHALLENGES

The

#### Reference 499 - 0.01% Coverage

practice.

RODRIGUES, THE ENVIRONMENTAL CHALLENGES

The Island of Rodrigues faces serious environmental challenges that require urgent attention of all Rodriguans, and in particular the Rodrigues Regional Assembly. Indeed, out of a total land area of some 10,800 hectares, only 1,000 hectares are in private hands, implying that the Rodrigues Regional Assembly is completely responsible for the management of the lands, as land resources are the major assets of Rodrigues. This is a huge responsibility that the RRA cannot downplay, even though the State lands are leased to private individuals for a specific number of years, depending on the purpose of the development projects which are approved by the State Lands Committee. Thus, the strategy to be proposed rests heavily on environmental mainstreaming in policy and in key economic sectors. The adoption of a sustainable land resources, solid waste, and coastal zonemanagement system is viewed as critical in order to transform successfully, in the long-run, the current situation of land degradation, soil loss, and impoverished ecosystems into diverse cultural landscapes of outstanding aesthetic, economic, and ecological value.

In taking into account this general background, it must be underlined that land resources in

Rodrigues are affected whenever one

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area (settlements etc.) are under threat. Indeed, poor land management has resulted in low economic returns from agriculture. This is due to high soil erosion which is itself a result of bad agricultural and grazing practices; past deforestation; poor building practices (especially the dispersed nature of settlements); steep topography; and high-intensity rainfall (rainfall intensities of up to 150mm per hour is not uncommon). Besides reducing the agricultural potential of the land, soil erosion has affected rivers and dams as well as the lagoons and coral reefs. Soil erosion has also been due to poor building practices.

One of the main problems

#### Reference 501 - 0.01% Coverage

the human settlement pattern in

Rodrigues is its dispersed nature. Rodriguans have tended to build their houses in the agricultural land leased to them, so as to make it easier to look after their crops and cattle which roam freely. Consequently, houses are scattered and isolated, which typify the Rodriguan way of living. Another reason for same is the absence of an appropriate housing policy of declared zones, delays in approving housing leases and building permits and lack of enforcement. Due to the hilly terrain and scattered houses, the Authorities find it difficult to provide services like water supply, telephone, transport, and so forth, to all isolated settlements. Some people have to walk long distances to get to schools, hospitals and other facilities.

Talking about development and the land use in Rodrigues, the former Chief Commissioner, Johnson Roussety highlighted that:

"Over the years the physical

#### Reference 502 - 0.01% Coverage

the island has evolved towards

dispersal rather than a clustered form of development. The topography of the island coupled with the system of leased land have encouraged this scattered pattern, made even more pronounced by the apparent ease with which unauthorised occupation of land has occurred."

Land use is determined by individual needs. There is an absence of a centrally-coordinated programme of development for the greater good of the island.

The newly-appointed Land Commissioner for Rodrigues, Louis Pierre Perrine, went even further in a statement to the TJC: the situation in Rodrigues is "chaotic" with people occupying land anywhere, and land prescription is a new lucrative business for some people. "There more than 200 land prescriptions only on the Bégué land in Grand Baie", said the Land Commissioner.

A three-day preparatory mission

#### Reference 503 - 0.01% Coverage

assess infrastructure and logistics available.

The Truth and Justice Commission held formal hearing sessions in Malabar, Rodrigues, in March and September 2010. Several follow-up sessions and meetings were held during the following months by Mr. Jacques David, the Truth and Justice Land Commissioner. He met all applicants, collected further information and undertook searches at the Archives and Registration Unit of Rodrigues, met the then Chief Commissioner of Rodrigues, Johnson Roussety, his Deputy Commissioner, Gaëtan Jabeemissar, as well as the other Commissioners of the Rodrigues Regional Assembly, and discussed in length several issues pertaining to land, health, education and other socio-economic affecting Rodrigues.

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#### Reference 504 - 0.01% Coverage

Truth and Justice Commission 95

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Before submitting this Report on the land issues, the Commission, from the outset, underlined that there is a total lack of an endorsed framework for land planning and land use on the island as the Planning Development Act 2004 is not applicable to Rodrigues and the National Development Strategy is not statutory to Rodrigues. There is a need for the Rodrigues Regional Assembly to endorse a national strategy; around which all future planning initiatives will revolve in a transparent manner. There is an absence of a database and unsustainable land management. Likewise, there is an absence of detailed information regarding land resources. This lack of information makes it difficult for

#### Reference 505 - 0.01% Coverage

long, induced them to accept

matters as they are. For centuries, the Colonial Powers, having prevailed through appointed Magistrates, administrators, the all-powerful Forest Rangers, corrupt Civil servants, Land Surveyors, Notaries and Attorneys at Law visiting the island, have left in place a pernicious system whereby any Tom, Dick and Harry could help himself anytime and anywhere, whenever easy money could be had. The most disturbing factors concerning land issues brought before the Truth and Justice Commission were facilities with which anyone could appropriate State or private lands through either prescription - which is the most common - fraud and other illegal means.

This system still prevails to date because the Law, as it stands, leaves the doors wide open to such abuses. While deponing before the Truth and Justice Commission in April 2011, the Land Commissioner of the RRA, Mr. Pierre Louis Perrine, confirmed all the above.

The Commission wishes to highlight

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Truth and Justice Commission 96

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND PRESCRIPTION IN RODRIGUES  
Invited by the Truth and Justice Commission to explain and shed light on the whole issue of land prescription in Rodrigues, the Government Chief Land Surveyor talked at length on the subject which can be summarized thus:

To better understand the provisions of the Law governing land prescription in Rodrigues, the date the prescription was made has to be put into its proper historical context. There are no less than 4 pieces of legislation which deal with prescription on the island which have been passed at different period of time: the "Rodrigues Resident Commissioner's Power Act (1st September 1883)" (with Government Surveyor acting); the "Affidavit of Prescription Act (22nd December 1958)" (Surveyor); the "Rodrigues Administrative and Judicial Provision Act (11th July 1974)" (Surveyor, as per Sections 6(i) & 6(ii) – when survey could be undertaken by Government and Private Land Surveyor); and the "Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) (22nd December 1997 – when only Government Surveyors could perform as per paragraph 12(4). It is also to be noted that as per Section 18 of the Land Surveyors Ordinance No. 33 of 1867, Government Surveyors were prohibited from surveying private land, except with the permission of the Governor.

The procedure for land prescription in Rodrigues is similar to that adopted in Mauritius, with the exception that in Rodrigues, the person willing to prescribe has to make an application first to the Island Chief Executive (formerly Island Secretary) for the survey of the said land.

Upon receipt of the application, the Island Chief Executive transmits it to the Principal Land Surveyor of the Cadastral Office for appropriate action. The Principal Surveyor may delegate one of his Surveyors or decide to perform the survey himself. It is pertinent to highlight that only Government Land Surveyors are authorised to carry out surveys for prescription purposes in Rodrigues. This is in compliance with Section 12(4) of the Registration and Transcription of Deeds and inscription of Mortgages, Privileges and Charges (Rodrigues) (1977) which reads as follows:

"For the purposes of Section

#### Reference 507 - 0.01% Coverage

the Prescription Affidavits Act, the

Memorandum of Survey shall, at the request of the authorised officer, be drawn up by a Government Surveyor subject to the payment, by the person applying for the transcription of the affidavit of prescription of such fees, as may be prescribed by the Minister to whom the responsibility for the subject of land is assigned."

And, also in compliance with

#### Reference 508 - 0.01% Coverage

1883 which reads as follows:

"The Commissioner shall register all applications deposited with him and shall cause a survey of the portion of land claimed by prescription to be carried out free of charge by a Government Surveyor in post in Rodrigues."

However, it must be noted

#### Reference 509 - 0.01% Coverage

the following:

Section 6(i)

"Any person may apply in writing to the Island Secretary (formerly known as Resident Commissioner) for the survey of portion of land in Rodrigues of which he claims to be the owner, otherwise than by prescription, or of which he is the prospective purchaser". (This section may be interpreted as being a Truth and Justice Commission 97

#### Reference 510 - 0.01% Coverage

Truth and Justice Commission 97

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restriction for the application for

#### Reference 511 - 0.01% Coverage

some confusion as to whether:

The Island Secretary (or the Island Chief Executive for that matter) can entertain requests for surveys of land in Rodrigues for prescription purposes;

Whether a Government Surveyor may survey land in Rodrigues for prescription purposes.

In 2002, the then Island

#### Reference 512 - 0.01% Coverage

State Law Office was that:

The Island Chief Executive may authorise Government Surveyor to survey private land for prescription;

As Authorised Officer under the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues), the Island Chief Executive should accept application for transcription of affidavit or prescription in respect of Memorandum of survey prepared by Government Land Surveyor.

The Surveyor designated to carry out the Survey prepares a Notice under Section 9(3) of the Land Surveyors Act for publication in the Government Gazette and two local newspapers in Rodrigues and proceeds in accordance with the provisions of the Land Surveyor's Act.

Once the survey of the land is completed, he draws up the Memorandum of survey in three originals giving the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land. The plan of the land surveyed is also incorporated in the Memorandum of survey. He then records therein any observation, if any, and then signs it along with all the parties. The Memorandum of survey is then registered at the Registration Unit in Rodrigues. The Registration Unit gives the Memo a registration number called LS No. and retains one copy. The Surveyor hands over one of the two copies to his client and keeps the third one for his personal records.

The job of the Surveyor

#### Reference 513 - 0.01% Coverage

Truth and Justice Commission 98

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The authorised officer enters the

#### Reference 514 - 0.01% Coverage

rights. DEPOSITION BEFORE THE COMMISSION

All the applicants – Private and Government Land Surveyors, Attorneys and Notaries, Chief Planner - invited to give their views before the Truth and Justice Commission (See attachments) readily admitted that the Law has been respected in all circumstances. Yet, it must be observed that the information contained in the Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit. For example, in certain Notices, the description given is so vague. In so many Notices, mention is often made "On the first side by a public road", "on the second side by an unknown proprietor", "on the third side, proprietor is unknown", etc. The law is clear as to the "precise description", "the exact location", "the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land." It is very difficult to believe that the person who has been occupying a plot of land since 30 years does not know the name of his neighbours.

There have been cases where

#### Reference 515 - 0.01% Coverage

published in a Chinese daily.

It has also been observed that the very person who prescribes a plot of land does not have to swear the affidavit. Only the two witnesses take the whole responsibility. He just gives instructions to swear the affidavit but does not participate in the procedure.

It may happen that a person accused of having prescribed a plot of land might later say that he was not aware that this land had been prescribed in his name.  
the grounds of his objection

#### Reference 516 - 0.01% Coverage

Truth and Justice Commission 99

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS RECOMMENDATIONS It is thus suggested that the Second Schedule of the Affidavit of Prescription Act should be amended to include information on the searches, made by the Surveyor, relating to the last known owner of the land being prescribed.

The legal status of land either in Mauritius or Rodrigues falls under three categories: State Land; Domaine Public inclusive of Pas Géométriques; and Private Land All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a category of land which belongs to the public at large by nature of its use: roads, beaches, sea, rivers and which are imprescriptible and inalienable.

The Private land is lands under private ownership which at a certain point in time either during the French occupation or the British occupation has been conceded/ granted to someone. There is thus no such thing as ownerless land.

Any professional being a Land Surveyor, Attorney or Notary should be able to trace back the owner of any land in Mauritius or Rodrigues.

It must be made mandatory

#### Reference 517 - 0.01% Coverage

of the last known owner.

At the same time, any Notice under the Affidavit of Prescription Act should be published with its appropriate location plan that will help in the identification of the land by the former owner.

No Notice of Affidavit of

#### Reference 518 - 0.01% Coverage

Truth and Justice Commission 100

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND CASES SUBMITTED TO THE COMMISSION Truth and Justice Commission 101

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: LALANDE Reference TJC/L/R/ 0004 - TJC/L/R/0050

The Lalande land issue has attracted a lot of publicity in Rodrigues due to the fact that the Land Fraud Squad has been, for quite a time, investigating the case.

The gist of it is that the Lalande family claims to be the owners of a land to the extent of some 100 Arpents at Baie Diamant and that Government is releasing lease permits on their land and has even erected some buildings thereon.

The case has been brought to Court, but there has been no follow-up. The only document they have received from the Court of Mauritius, avers the Lalande family, tells the heirs to admeasure the site and mark waste land as theirs, and to build small houses on the said land.

After searches made by the

#### Reference 519 - 0.01% Coverage

Commission, several questions raised doubts.

Sir Henry Barkly, Governor and Commander in Chief in and over the Island of Mauritius granted on 31st December 1869 a 100 Arpents plot of land at Baie Diamant to Jean Désiré Pierre and Ninka Lalande "and their heirs and Assigns".

Figure 2 Documents signed by

#### Reference 520 - 0.01% Coverage

Documents signed by Governor Barkly

In the "Case hypothécaire" of Pierre Désiré Lalande (TV. 127 No. 31), it is revealed that the land was sold to Thomas H. Wilson for the sum of 204 pounds sterling on 28th January 1878. The plot of land was ultimately sold to different persons until it passed on to Government in 1920.

Truth and Justice Commission 102

#### Reference 521 - 0.01% Coverage

Truth and Justice Commission 102

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS On 31.12.1869: Concession to Jean Pierre Lalande,  
registered in Book No. 12

#### Reference 522 - 0.01% Coverage

Truth and Justice Commission 103

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 3 Map showing location of Lalande land

In 2006, after having obtained

#### Reference 523 - 0.01% Coverage

and registered by the Notary.

On 26th May 2009, the said Carl Larose sold under private signature the same portion of land to Maurice You Seen, from Reunion Island, who also possesses a Mauritian National Identity Card.

Truth and Justice Commission 104

#### Reference 524 - 0.01% Coverage

Truth and Justice Commission 104



VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 4 Copy of Transcription by Carl Larose of land of Lalande Truth and Justice Commission 105

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 5 Plan showing distraction of Lalande land Truth and Justice Commission 106

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: JEAN LOUIS Reference: TJC/L/R/230

According to Mrs Marie Gladys Giguet, born Jean Louis, the house of her parents was destroyed by a cyclone in 1959. She avers that, on the advice of a Forest Ranger, her mother constructed another house on another plot of land situated at Nouvelle Découverte.

In December 1993, the new

#### Reference 525 - 0.01% Coverage

Reference: TJC/L/R (Allas)

Louis Kurven Allas avers that he had purchased from his father, Joseph Emmanuel Allas, the bare ownership of a plot of land being lot 21 of extent of 264.11 m<sup>2</sup> situated along Ricard Street, Port Mathurin, as evidenced by title deed transcribed in TV 784 No. 42 dated 22 April 1959 for the price of Rs. 5,000. At the time of the sale, two buildings stood on the above-mentioned land.

However, on 13 July 1967

#### Reference 526 - 0.01% Coverage

by TVR 6 No. 122.

The same land has been sold on two occasions.

In the light of the

#### Reference 527 - 0.01% Coverage

Truth and Justice Commission 107

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: JOYCE ROUSSETY Reference: TJC/L/R/0011 {Roussety}

Joyce Roussety acquired a plot of land at Camp Du Roi in her own name. Her nephew Laval Purcy Roussety accused her of robbing the land from the heirs. He requested that she returns the property to the heirs by signing a document, so that the land could be shared equally. Joyce Roussety accepted.

She avers that after the

#### Reference 528 - 0.01% Coverage

has been a change of

Searches carried out in Rodrigues revealed that even if Joyce Roussety still holds a title of ownership, Laval Purcy Roussety and others hold 75% "indivi part" of the same plot of land of 892m<sup>2</sup> situate at Camp du Roi together with a house with veranda.

Searches in Rodrigues have revealed the existence of a "sous seing prive" drawn up on 23rd February 2006 and duly registered on 27th February 2006. The document purports to witness an agreement between Mrs

J. Roussety and Mrs Laval Purcy Roussety and others whereby she relinquishes 75% of the undivided rights in a portion of land of an extent of 892m<sup>2</sup> together with the building standing thereon situated at Camp du Roi for the price of Rs 50,000.

It is explained in the

#### Reference 529 - 0.01% Coverage

It is explained in the

deed that she became the owner of the land for having purchased same from Jacques Desiré Grandcourt on 17th May 1982 (TVR8 No. 119 bis).

The Commission has also been made aware of a Survey report of Ng Tong Ng Wah, Land surveyor, dated 25th February 2006 (LS 1 No. 240) in respect of a portion of land at Camp du Roi which has been divided into four lots. Lot 1 of an extent of 471 m<sup>2</sup> "devant être attribué à Mme Marie Joyce Roussety ».

The Commission cannot reconcile the

#### Reference 530 - 0.01% Coverage

in the "sous-seing privé."

This is a typical case of illegal land transaction concerning deed under private signatures. Truth and Justice Commission 108

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 6 Document dated 23rd February 2006 Truth and Justice Commission 109

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: GABRIEL REGIS JEAN /MOISE ROSE Reference: TJC/L/R/0001 – TJC/L/R/0009

Lucrèce Rose has been occupying the land at Montagne Bois Noir (app. 1 ½ A) left as legacy by practicing agriculture. However, as a result of financial problems, she moved to Mauritius with her three children. She thus handed over the land to her cousin, Jean Claude Edouard, residing at Graviers. As from 1987, the latter worked on the land for a year. Then, Marguerite Marie Rose, daughter of Brunel Rose took over the land. However, on 17th July 2009, one Michael Casimir prescribed the land and said that he had occupied the land for 30 years. Michael Casimir then sold the land to one Regis Jean.

It has been brought to the attention of the Commission that, in 2010, after a survey undertaken by Land Surveyor Jean Aldo Ong Tone, the land was prescribed in the name of Blaize Edouard, Michael Casimir, Simeon Edouard, Madeleine Allas and Jean d'Arc Albert, all claiming to be the heirs of Marcelin Edouard. After the prescription, they all agreed to sell the same plot of land to Mr. and Mrs. Dominique Desire Jean, son of Gabriel Regis Desire Jean. The latter bought the land on behalf of his son, who resides in Mauritius. Having acquired the land of 5883m<sup>2</sup>, Gabriel Regis Désiré Jean avers that he went regularly to check the acquisition of his son. However, on the 7th April 2010, while arriving on the plot of land, at the said location, he found a man and a woman cleaning the land; puzzled, he enquired about their presence on the land and who they were. The man did not identify himself, but only said that he was the owner of the land and forbade Regis Gabriel Desire JEAN from coming on the land.

The Commission has been made aware that the said person was one Jean Noel Rose and his wife. Moise Henri Rose deposed before the Commission on 26th July 2010. He claims his Grandfather bought the land from Thomas Edouard since 1980.

The case was reported to

#### Reference 531 - 0.01% Coverage

who is the rightful owner.

This is a case where two parties claim ownership of the same land. The Commission is unable to assess the genuineness of either deed.

The Commission is of opinion that this is a dispute over land ownership which can only be settled by the appropriate Court.

Truth and Justice Commission 110

#### Reference 532 - 0.01% Coverage

Truth and Justice Commission 110

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

CASE NAME: MARIE LOURDES BERNADETTE

#### Reference 533 - 0.01% Coverage

TJC/L/R/0006 (i)

Bernadette Perrine, born Prosper, is the daughter of Julien Prosper (Fils). The land situated at Bassin Gallard/Saint Gabriel was the property of Bernadette Perrine's grand-father Julien Prosper (Père).

She avers that applicant's father

#### Reference 534 - 0.01% Coverage

the share of his brother.

They asked the Cadastral Office to parcel the land and establish boundaries so that each heir could get his part. The Land Surveyor Aldo Ong Tone was sent to do the land survey. After the Cadastral Office has done the work and a paper showing the boundaries was issued, they were requested to contact a notary for the drawing up of a deed.

Bernadette Perrine has a sister

#### Reference 535 - 0.01% Coverage

Reference: TJC/L/R/0015

Asnel Jolicoeur claims that he has been occupying a land of an extent of 4221m<sup>2</sup> situated at Trois Soleil since 1977. The land belonged to Charles Jolicoeur.

In 2008, Joseph Maxy Larose told Jolicoeur that the said land is his, and that he bought it from one Ariste Pierre Louis who is believed to have bought it from Charles Jolicoeur. According to Asnel Jolicoeur, the claimant, this operation could not have been possible, since Charles Jolicoeur died in 1907 and Ariste Pierre Louis was born in 1912.

However, despite this fact, Asnel

#### Reference 536 - 0.01% Coverage

Joseph Maxy Larose never stopped

threatening him and even went to the extent by saying that he would get rid of Jolicoeur if he does not vacate the land. The case has been referred to the police more than once. Jolicoeur even made two 'mises en demeure' for which Rs 2,500 was paid for each, to Attorney at Law Iqbal Dauhoo to be served upon Maxy Larose. To no avail.

The Commission has sent letters

#### Reference 537 - 0.01% Coverage

Truth and Justice Commission 111

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: AGATHE MARIE MAYRICIE, born JOLICOEUR Reference: TJC/L/R/0012

Agathe Marie Mayricie is one of the 7 heirs of Sylvestre Jolicoeur who benefited of a land totalising 6 Arpents situated at Coromandel/Tambes. The land was subdivided between Sylvestre Jolicoeur and his brother-in-law, Silvain Jolicoeur. Sylvestre Jolicoeur got 2 Arpents and Silvain St Pierre got 4 Arpents.

In 2007, the 2 Arpents were shared amongst the 7 heirs of Sylvestre Jolicoeur. At the same time, the heirs of Silvain St Pierre proceeded to the land survey & land sharing for these two operations in the Jolicoeur and St Pierre family. The services of Notary Roopun were hired for the formalities. For the St. Pierre family everything went on smoothly, contrary to the case of the Jolicoeur family.

Up to now, the deed

#### Reference 538 - 0.01% Coverage

her to obtain her deed.

The Commission has obtained a certified copy of the deed transcribed in TV Rod 4 No. 116 and same is being forwarded to the lady. The family should now seek the services of a Notary to finalise this land transaction.

CASE NAME: GELSIE AUGUSTIN, born

#### Reference 539 - 0.01% Coverage

R/0016 Case No.1

Suzanne Augustin (born) Felix, mother of Gelsie Augustin avers she owns a piece of land of 5, 223m<sup>2</sup> situated at Montagne Bois Noir. Some years back, she was about to sell the land, but owing to a problem arising with his brother, Reddy Augustin concerning the price at which it should be sold, Suzanne Augustin could not sell the land. Since that day, the family has not been able to get back her Documents concerning her plot of land. Her title deed, which is of dire importance, cannot be traced out. When Reddy Augustin is asked if Documents are with him, he says that it is with the Attorney at Law, Pazhany Rangasamy, whom they had retained to do the needful. Pazhany Rangasamy, on the other hand, never answers when the family tries to get him on the phone.

Case No.2

While deponing

#### Reference 540 - 0.01% Coverage

the phone.

Case No.2

While deponing before the TJC in Rodrigues, the same Suzanne Augustin avers that she also possesses a piece of land in Port-Mathurin. The land belonged to Suzanne Bernadette Felix, her grand-mother. The land is not occupied, by a businessman of Port Mathurin, commonly known as Ah- Koh Chong, seems to think that the land is his.

Truth and Justice Commission 112

#### Reference 541 - 0.01% Coverage

Truth and Justice Commission 112

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: JOSEPH REDDY AUGUSTIN Reference: TJC/L/R/0018

After effecting research work Joseph

#### Reference 542 - 0.01% Coverage

two Felix brothers: Telescourt & Lauricourt

Jean Felix has been granted land in Port-Mathurin. The applicant, wishing to gather more information on the matter, carried out researches in the archives at Port-Louis and in the Cadastral Office, Rodrigues but he could not retrace any document linked to the said grants.

In fact, after searches undertaken

#### Reference 543 - 0.01% Coverage

Reference: TJC/L/R/0019

Wilsy Batiste avers that a plot of land situated at Montagne Bois Noir has been shared by brothers, namely Luc Batiste, Christian Batiste and Henri Batiste.

The land belonged to Late Henri Batiste, the grandfather who was granted 5 Acres of land and from which he sold 3 Acres. The heirs of Henri Batiste have also done a land survey of the land once.

According to him, there are people developing the land and undertaking beekeeping thereon.

The Commission is of opinion that the lawful owners of the land should seek redress from the appropriate court.

Truth and Justice Commission 113

#### Reference 544 - 0.01% Coverage

Truth and Justice Commission 113

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: CARL LAROSE Reference: TJC/L/R/0010 Case No.1

Carl Larose stated to the

#### Reference 545 - 0.01% Coverage

follow-up.

Case No.2

In his submission to the Commission, the same applicant puts forward that a portion of land of an extent of 225A at Jardin Mamzelle belonged to M. Issop Mackoojee who sold it to Ariste Pierre-Louis for the price of Rs 27,000. Ariste Pierre-Louis then sold it to late Vilmont Larose who was the father of Carl Larose.

The Agricultural Division and later

#### Reference 546 - 0.01% Coverage

has given residential sites thereon.

The land is actually occupied by people other than the heirs. There is a football ground on the land as well as a nursery at Oyster Bay. The land still belongs to the Larose family.

The Commission has written to

#### Reference 547 - 0.01% Coverage

Reference: TJC/L/R/0021

The gist of the matter is as follows: Marie Andeela Gaspard the deponent before the hearing session avers that her 8 brothers and sisters did purchase a plot of land to the extent of un quart d'un demi quart at a place called Orange from one Daniel Prudence as is evidenced from a private deed sous seing privé drawn on the 21st April 1980. The deed was registered and transcribed in Rodrigues on the 19th March 1998. Although, in the deed the purchaser (acquéreur) said that he well knew the land and its location, the later never knew anything yet about the land he was acquiring. While Louis Franklin Gaspard is getting old, the heirs are anxious to know the actual location before it is too late. Their apprehension can be rightly understood.

The Commission has undertaken searches in this case and as per TV Rod 7 No. 197, the land still exist and has only to be surveyed in presence of the parties.

Truth and Justice Commission 114

#### Reference 548 - 0.01% Coverage

Truth and Justice Commission 114

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

CASE NAME: NOEL ANGE ISMAEL

#### Reference 549 - 0.01% Coverage

Reference: TJC/L/R/0017

Ange Ismael and Marie Blaise Legentil are sisters in law and they live in the same place: Cascade Jean Louis (near Health Center). They are both widows. Noel Ange Ismael lost her husband in June 2005 and Marie Blaise Legentil in 1989. The land on which they have been living since they married and living up to now is a land leased from government. Since their husband died, both widows say that they are not able to

continue to pay the land (approximately Rs 34 as yearly payment) because they say it is established law that payment cannot be done in reference to the name of a late person. They have tried to change the land lease agreement to their names but there has been no outcome. Actually they are living on the said land. This case does not reveal any dispossession. Nevertheless, the Commission has referred the request to the Land Commission of the Rodrigues Administration for whatever action is called for.

CASE NAME: MARIE THERESE LISETTE

#### Reference 550 - 0.01% Coverage

Reference: TJC/L/R/0005

Marie Thérèse Lisette is a widow. The small plot of land on which she actually lives at Petit Gabriel is a land leased from the Government.

Marie Thérèse Lisette feels that after the many years living on the land, and owing to the many years of civil service accomplished by her husband, the late Israel Lisette, who passed away on the 25th August 1997, she could be granted a permanent residence permit and stop paying the land lease. She has been living in the same house and land for the last 57 years.

The Commission is of opinion that Marie Thérèse Lisette should, in this circumstance, regularize her occupation over the land by contacting the Cadastral Unit at Port Mathurin. Thereafter she may, if she is unable to pay the rental, make an application for aid to the Social Security.

Hereto, there is no dispossession of land. Nonetheless, her request has been transmitted to the Rodrigues Regional Authority for whatever action is called for.

Truth and Justice Commission 115

#### Reference 551 - 0.01% Coverage

Truth and Justice Commission 115

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

CASE NAME: MARIE LOURDES BERNADETTE

#### Reference 552 - 0.01% Coverage

TJC/L/R/0006 (iii)

The Prospers have land property scattered all over the island of Rodrigues and the Commission has been requested to look into one particular case, that of Solitude.

Following a request to make a survey of the land at the above-mentioned place, the heirs have paid the sum of Rs.14,500 to the Cadastral Office. In 2001, when the land survey process was about to be undertaken, the heirs were informed that there is a problem since one Mr. Roussety, currently known as Mandoo, brother of Alex Roussety, claims to be the owner of the same land.

The Archival records submitted to the Commission say that the land is the property of the Prospers. The Commission has not heard Mr. Roussety to know his version of the matter.

Up to now, the land has not yet been surveyed in spite of the payment effected years ago.

Only a Court of law

#### Reference 553 - 0.01% Coverage

A plot of land belonging to the Prospers situated at the Morcellement Petit Gabriel/Pompée is registered as being their property. The land is of an extent of 8 Arpents. It is said that only 4A remain since the other 4 Arpents have been sold. The heirs have never been notified about this fact: who bought it, who sold it and for what price?

The Commission is not aware

#### Reference 554 - 0.01% Coverage

Truth and Justice Commission 116

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: SIMON RABOUE

Reference: TJC/L/R/0003

Simon Raboude claims to be owner of a land at Fond la Digue but is unable to produce any documents. There seems to be a forlorn request for research. That Mr. Simon Raboude claims ancestry from a slave has been abundantly proved as well as to the genuineness of his roots in Rodrigues. The averment that his said ancestor had in Rodrigues as well as in other parts of the island of Mauritius is not however substantiated by any documentary evidence.

The Commission has gone through all documents at the Cadrastral Office and has discovered that there is no land registered in the name of Simon Raboude. Instead there is a plot of land registered in the name of Simon Roddy Raboude as per TV Rod 15 No. 169. It has to be established that Simon Raboude and Simon Roddy Raboude is the one and same person.

CASE NAME: MERCURE

Yvonnila Emilien

#### Reference 555 - 0.01% Coverage

same person.

CASE NAME: MERCURE

Yvonnila Emilien born Mercure bearer of IDN: 1/1/0/3/3/3/8/1/0/0/8/8/B residing at Avenue Soobiah, Réduit claims that she is one of the heirs of Georges Mercure. The latter was during his lifetime residing at St François where he owned 10 Arpents of land.

In support of her claim, she has produced a document registered in Rodrigues under ROD 4 No. 112 which witnesses an exchange of land between Government and Georges Mercure as follows:

To Government: about 5 acres

#### Reference 556 - 0.01% Coverage

Saint François, Baie de l'Est.

She has also submitted a copy of Rep 112/492 in which there is an entry which refers to another portion of land of an extent of 5 Arpents 00 acquired from Government on 20th October 1894 and which deed is transcribed in TV 212 No. 500.

She avers that "aliens" are occupying the land without any right or authority of the heirs. She paid an Attorney for the drawing up of an affidavit establishing the heirs but up to now she has not been able to lay hands on the document.



The Commission is referring the matter to the Commission of Agriculture, etc, in Rodrigues and is advising Mrs Emilien to complete her affidavit so that she may initiate legal action against the occupiers. She may beforehand apply for the land to be surveyed.

Truth and Justice Commission 117

#### Reference 557 - 0.01% Coverage

Truth and Justice Commission 117

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE BÉGUÉ CASE TJC/ L/0028/ BEGUE RONALD & OTHERS CROSS REFERENCE: TJC/L/R/0041/BEGUE PAUL GISELAIN

The applicants, Ronald Bégué and others are heirs of late Gabriel Bégué, a French colon who settled in Rodrigues as far back as 1825. On 27th August 1829, he was awarded a "grants" of 324 Arpents of land at Grand Baie and another of 50 Arpents at Baie -aux -Huîtres. Gabriel Bégué died in 1832 leaving 6 children. Around the year 1857 and after many years, some heirs left Rodrigues. There has never been any partition of land among the heirs. In 1916, following the visit of a Sworn Land surveyor Parson, some of the heirs still in Rodrigues could be traced

#### Reference 558 - 0.01% Coverage

traced out but many others

could not be identified as they had left the island. No partition of the deceased estate could take place. While some of the heirs had migrated, others, who decided to remain in Rodrigues, chose to settle on part of the said "concession" with the tacit agreement of the other "ayants droit". This practice has continued for over 5 generations of the Bégué family. No wonder after a time that other people alien to the Bégué family started to squat on plots of the land left unoccupied and claimed ownership in terms of the Prescription Act. Until today not less than 60 parcels of the said "concession" have been prescribed much to the dismay of the existing heirs. In many cases once the land is prescribed it is sold to another party.

Prescription of land has become a real scourge in Rodrigues by unscrupulous people who can hire the services of legal consultants namely surveyors, attorneys and public notaries. The practice seems to have intensified following the vesting of the powers of the Minister of Housing and Lands to the Chief Commissioner of Rodrigues following the enactment of the Rodrigues General Assembly act 2006.

Conscious that they were being dispossessed of their ancestral lands, an association known as "The descendants of Gabriel Bégué Welfare and Heritage Association" was formed in January 2010. The aim of the association is to establish a genealogy of all heirs and successors of the deceased Gabriel Bégué and to promote the history of the family since the arrival of Gabriel Bégué in Rodrigues. The family requests to the Commission to help them restore their "patrimoine" (heritage); to reset confidence in the heirs of their ancestors Gabriel Bégué and in the public in general; and to stop all the mal practices made by illegal occupiers especially with the help of the legal advisors. The petitioners have prayed the Truth and Justice Commission to intervene before the Chief Island Commissioners to stop the practice of allowing people who have no claim to the Bégué succession in making false declarations to the effect that they have elected domicile on part of the land and to carry an inquiry into the circumstances of a number of prescriptions that have been registered following false testimony of witnesses. Ronald Bégué mentioned a case where a person alien to the Bégué family has

successfully

prescribed also need to

#### Reference 559 - 0.01% Coverage

the Bégué family has  
successfully  
prescribed also need to be screened. Government has itself acquired a portion of land out the said  
"concession" under the Land Acquisition Act.  
The practice of prescriptions in

#### Reference 560 - 0.01% Coverage

Truth and Justice Commission 118  
VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS A long list of prescriptions over the  
Bégué land has been established:  
LIST OF PRESCRIPTION NOTICES YEAR

#### Reference 561 - 0.01% Coverage

1416.32 8.08.1995  
Land Surveyor / Date of Survey  
S.Sakir - Lawyer / Date of

#### Reference 562 - 0.01% Coverage

8 Area Area m2 Toises  
Land Surveyor / Date of Survey  
M.Ramjug 2.08.1998

#### Reference 563 - 0.01% Coverage

Denise Roussety 2.Patrick Begue  
Sale 1 - land 1891m sold to Jean Eudes Roussety 15.12.2001 (Private sign.)  
Sale 2 - Land 1049m sold to Louis Harold Roussety 14.04.2002 ( Private sign) Sale 3 - Land 1035m sold to  
Fong Tive Chong Fong Weng 18-19 \$ 29 Nov.2007- TVR24/25 D Roopun.  
1  
Mrs Marie Josianne Lenette

#### Reference 564 - 0.01% Coverage

28.09.1999 Grande Baie  
Sale 1 - Land 1065m sold to D.M.J.Oriuux(Private sign.) 24.01.2004 - TVR17/27 Sale 2 -D.M.J.Orieux sold  
1036m to M.& Mrs A.K.Khadun 19.05.2007- TVR23/6 (Private sign.)  
2 3

Mrs Marie Germaine

**Reference 565 - 0.01% Coverage**

28.09.1999 Grande Baie

Sale - Land 1950m to E.Patron 7 Mrs H.Bronguer 15.10.2003 TVR 16 No.92 (Private sign) -Partage en nature  
975m each 24.11.2003 TVR 17 No.13-

Observation Area Area m2 Toises

**Reference 566 - 0.01% Coverage**

Toises 3500.00 921.05

Land Surveyor / Date of Survey

Chaudan Lautan 25.06.1997

**Reference 567 - 0.01% Coverage**

00 301.58 211.32

Land Surveyor / Date of Survey

J.A.Ong 15.05

**Reference 568 - 0.01% Coverage**

D.Roopun 5.02.2001

Notice given under Section 6 Land Acquisition Act. 1973

Notice given under Section 6 Land Acquisition Act. 1973

Notary Public D.Roopun 10

**Reference 569 - 0.01% Coverage**

20 No.9 2. TVR

Land 1146m sold to Mr. Marcelin Grandcourt on 23.09.2005 TVR 20/28bis

Land 756m sold to Marie Fabrina Roussety on 22.08.2008 TVR 25/35

1. Patrick Begue Begue

No

**Reference 570 - 0.01% Coverage**

2. 2. Ikwel TVR 13 Observation

Land 1603m sold to J. Richard Payendee on 22.07.04 TVR 18/34 - TVR 19/71 - Notary: Roland Constantin

Land 803m sold to Paul Yow Choy Fong Him on 07.01.2002 TVR 14/9

Truth and Justice Commission 119

**Reference 571 - 0.01% Coverage**

Truth and Justice Commission 119

**VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS**

LIST OF PRESCRIPTION NOTICES YEAR

**Reference 572 - 0.01% Coverage**

53 4711.00 1239.74

Land Surveyor / Date of Survey

J.A.Ong

15.10

**Reference 573 - 0.01% Coverage**

Castel TVR 14 No.50

Sale1.Hermance sold land of 1108m on 20.06.2002 to J.F.Thierry Begue TVR 14/72 (private sign.)

Sale2.Hermance sold on 19 & 21 Oct. 2002 ( same as above ) + D.Roopun TVR20/32

1. Joseph Clairvot Castel 2

**Reference 574 - 0.01% Coverage**

37 1928.00 507.37

Land Surveyor / Date of Survey

J.A.Ong Tone J

**Reference 575 - 0.01% Coverage**

Novello Roussety TVR 20/73

M.& Mrs Richenel Plaiche sold land of 507.31m-20.04.2007 to Jean Harel BegueTVR221 -TVR22/91bis error on land survey-land found to be 1715.36m

Donation : Land 3,540m2 - 08.06.2006 + Marie Therese Francesse Ah-Ming (née Roussety) TVR 21 No 7 (private Sign)

Site Witness

Acquisition 8

for

**Reference 576 - 0.01% Coverage**

Toises 5310.00 1397.37

Land Surveyor / Date of Survey

**Reference 577 - 0.01% Coverage**

N.Wah 07.05.2001

Land Surveyor / Date of Survey

No mentioned Lawyer / Date of

**Reference 578 - 0.01% Coverage**

Truth and Justice Commission 120

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

LIST OF PRESCRIPTION NOTICES YEAR

**Reference 579 - 0.01% Coverage**

Toises 5310.00 1397.37

Land Surveyor / Date of Survey

Ng Tong N. Wah 23

**Reference 580 - 0.01% Coverage**

N.Wah 07.05.2001

Land Surveyor / Date of Survey

No mentioned Lawyer / Date of

**Reference 581 - 0.01% Coverage**

58 4051.94 1066.30

Land Surveyor / Date of Survey

Ng Tong N.Wah 04

**Reference 582 - 0.01% Coverage**

Louis Gilot Begue TVR23No.68

Land 1925m sold on 17.12.2007 to Kwet Cheong Ah Fye TVR24/34

Land of 481 m2 sold on 19.04 & 19.05.2008 to Mr & Ms Deepak Kumar Bundoo - TVR 24 No. 100

Sale 1. Land 1328m sold on 14.08.09 to Louis Marcellino Begue TVR26 No.47 (lot No. 1) Sale 2. land 1328m sold on 17.07.09 to Josian Begue TVR26/42 (lot No.2) Sale 3. Land 1328m sold on 17 july 2009 to Mrs.Marie Clara Helene TVR 26 No.419Lot No.3 )

9 Mr. Quet Song Ah

**Reference 583 - 0.01% Coverage**

Louis gilot Begue TVR23/69

Land 946m sold on 13&14 Aug.2009 to J.E. Patrice Duval TVR26/46

Land 1380m sold on 27.08.07 to TVR23/69

Grande Baie

Land 759.80m

#### Reference 584 - 0.01% Coverage

to TVR23/69

Grande Baie

Land 759.80m sold on 4&6 Feb.2008 to Jean Alain Francois TVR24/53

Land 563m sold on 12,07.07 to Kwet Cheung Ah Fye TVR24/31

Land 481m sold on 27.08.07 to Deepak Kumar Bundoo TVR 24/100 - TVR 23/08

TVR24/3 5.06.2006

#### Reference 585 - 0.01% Coverage

TVR24/3 5.06.2006

1.Land 890m sold on 11,12,13 Feb.2009 to Marlene Begue TVR25/91

TVR 24

Land 563 m2

#### Reference 586 - 0.01% Coverage

Begue TVR25/91

TVR 24

Land 563 m2 sold on 17.12.2007 to Kwet Cheong Ah Fye TVR 24/35

Land 946m sold on 13 7 14 Aug 2009 to J.Edgar Patrice Duval TVR26/46

Land 1902m sold on 9.05.2008 to Johnson Roussety TVR24/97

Observation 2. Truth and Justice

#### Reference 587 - 0.01% Coverage

Truth and Justice Commission 121

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

LIST OF PRESCRIPTION NOTICES YEAR

#### Reference 588 - 0.01% Coverage

63 701.00 184.47

Land Surveyor / Date of Survey

J.LCasimir 07.07.2006

**Reference 589 - 0.01% Coverage**

2. Sylvio Begue TVR24/60

Land 1117.38 sold on 17&19 June 2009 to Society of Ophthalmological Services Ltd. TVR26/37

Land 1110.57m sold on 18.04.08 to Jean Ally Meunier TVR24/84

Grande Baie Grande Baie Grande

**Reference 590 - 0.01% Coverage**

Luc Francois TVR 24/29

Land 11,334m sold on 20.03,09 to Mrs C.L.Jacqueline Stern TVR26/2

Grande Baie legal objection served

**Reference 591 - 0.01% Coverage**

served legal objection served Observation

Land 1261.78 m2 sold on 06.03.2008 to Vythilingum Marday mootoo - TVR 24 No. 70

Land 701 m2 sold on 09.06.2007 to Johnson Roussety TVR 24/21

LIST OF PRESCRIPTION NOTICES YEAR

**Reference 592 - 0.01% Coverage**

00 803.00 211.32

Land Surveyor / Date of Survey Rajiv

15.05.2006 Rajiv

05

**Reference 593 - 0.01% Coverage**

acquisition made by Central Government.

On Saturday 13th October 2001, Government published in its issue of the Government Gazette (No. 105) under the General Notice No. 1635 of 2001 governed by the Land Acquisition Act of 1973 (Notice given under Section 6) the following: 'Notice is hereby given that a plot of private land hereinafter described and which situate at Grand Baie, Rodrigues, is likely to be acquired compulsorily by the Government of Mauritius for the public purpose of the construction of a football ground, a Community centre and other public amenities – (File CO/OO/767 refers).

On Saturday 27th October 2001, Government confirms its intention with the publication of the same notice in the Government Gazette (No. 109) under the General Notice No. 1707 of 2001, always governed by the Land Acquisition Act of 1973 (Notice given under Section 6).

Truth and Justice Commission 122

#### Reference 594 - 0.01% Coverage

Truth and Justice Commission 122

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Two years later, that is, on Saturday 11th October 2003, Government issued another notice in the Government Gazette (No. 102) under the General Notice No. 1751 of 2003 governed by the Land Acquisition Act of 1973 (Notice given under Section 6) the following:

'Notice is hereby given that I have decided to acquire compulsorily on behalf of the Government of Mauritius a portion of land situated at Grand Baie, Rodrigues, hereinafter described, for the public purpose of the construction of a football ground, a community centre and other public amenities there on.'

The description of the said land is given under the hand of the then Minister of Housing and Lands bearing the signature date of 25th September 2003.

As required by law, as per Section 9 of the Land Acquisition Act of 18th December 1973, the same Notice is once more published in the issue of Government Gazette (No. 107) under the General Notice No. 1853 of 2003.

All seemed to have gone

#### Reference 595 - 0.01% Coverage

all procedures have purportedly been

followed. Government acquired the land and set up the football ground, the Community centre and all amenities.

Nevertheless, Government officials had overlooked another section of the same Land Acquisition Act of 18th December 1973 wherein the following is mentioned under Section 7 (2):

"Where, within 8 months after the date of the second publication of a Notice in the Gazette under Section 6(1), the land has not been acquired compulsorily or has been abandoned, any interested person may serve a notice on the authorised officer requiring the acquisition of the land to be completed or abandoned."

In fact, Government had formulated its intention to acquire the land compulsorily in 2001 waited for two years, that is, in October 2003 – more than 8 months- the mandatory delay before it made public its real desire to go forth in this issue.

On 7th November 2003, the

#### Reference 596 - 0.01% Coverage

Truth and Justice Commission 123

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 7 Truth and Justice Commission 124

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Figure 8 Correspondence exchanged between Government and Begue family Truth and Justice Commission 125

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The Rodrigues Regional Assembly has undertaken the same process of occupying the Bégué land in spite of a note of warning sent, not only by the Bégué heirs, but also by the Departmental Head of the Chief Commissioner's Office to the Departmental Head of the Commission for Community Development & Health.

In a letter dated 16th December 2010, the President and Secretary of the 'Welfare and Heritage Association of the Descendants of Gabriel Bégué' underlined that they were astounded to note that the department for



Health and Development was in the process of building a community centre on a plot of land at Grand Baie, Rodrigues, belonging to the 'Heirs of Gabriel Bégué Domaine Book Vol.2 No. 485 Folio 208.' They added that 'proper procedure leading to such activities has not been followed.

Figure 9 Correspondence with Chief

#### Reference 597 - 0.01% Coverage

Truth and Justice Commission 126

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In spite of the note

#### Reference 598 - 0.01% Coverage

the compulsory acquisition of 2003.

In both cases, Central Government and the Rodrigues Regional Assembly should be able to revisit Section 32 of the Crown Land Act of 21st March 1874 which reads:

Section 32 Crown Land in payment of compensation

Subject to this Act and the Pas Géométriques Act, the Minister may authorise Crown Land to be given by private contract upon such terms and conditions as he may approve in payment either in whole or in part of any compensation payable in respect of compulsorily acquired by the Government'.

land Truth and Justice Commission 127

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND CASES

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#### Reference 599 - 0.01% Coverage

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HANNELAS HERMINETTE HOYBUN

130

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS I ISABELLE J

JACQUES RENE JADDOO JEROME JOB

#### Reference 600 - 0.01% Coverage

RIACCA RIOUX ROMEO ROOPSING ROUSSEL

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS S

SALOMON SANSPEUR SEERUTTUN SEETUL SOBRATEE

#### Reference 601 - 0.01% Coverage

Truth and Justice Commission 132

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND - A SOURCE OF CONFLICTS

"Land tenure and interest in land are indeed extremely complex. It has been observed that the possessor or occupier of land may or may not be the owner and that the owner may or may not be the occupier. This is further complicated by the fact that the permanence and undestructibility of land makes it attractive to encumbrances or charges such as mortgages, annuities, legacies and debt charges and may even be a security for debt. Each of these situations gives persons other than the freeholders interest in the land. Because of all these complexities the art of conveyancing developed in order to properly transfer land from one person to another".

(Extract: From plots to plantations Land transactions in Jamaica,  
(1866 – 1900) – Veront M. Satchell

#### Reference 602 - 0.01% Coverage

University of West Indies, 1990)

There is a strong perception among Mauritians of "inequality" in the distribution of land resources and of dispossession of those who did own land at some point in time.

In Mauritius, land was and is still considered in law as a form of property and during the colonial days as and economic resource. There was no indigenous settlement and so no traditional forms of ownership. Instead there existed ownership by individuals, ownerships by private estates, corporate ownership, by Church and ownership by the State.

Unrecognised in law was the land used communally by persons working for the estates: slaves and contracted workers who lived and worked in the estate camps and also grew provisions. It could be described as communal use of land.

However, in Mauritius, the extent of ownership is highly skewed in favour of large plantations owners. There has never been large-scale redistribution of lands either after abolition of slavery or indenture or independence by governments, colonial or independent. Small farmers and proprietors have on their own saved enough money and bought many plots of land at various moments in history.

Indeed, control of land has always been a key issue and a latent source of conflict. After abolition of slavery, the rights to obtain land were severely curtailed even though many ex-slaves did obtain tracts of land during the "petit morcellement". There was no large scale emergence of a peasantry due to colonial government support for the plantation and no encouragement for ex-slaves to become peasant proprietors. However, economic crisis have played their part in ensuring some redistribution took place. By the 1880s, a "grand morcellement" took place which changed the socio-economic landscape when small owners emerged en masse.

Topography has also influenced to a great deal how land is used and valued in Mauritius. Suitability of land for sugar production has determined the price of land in the sugar producing regions for nearly two centuries although this is today changing as tourist and luxury housing estates become more and more the trend of the 21st century.

Throughout the years, land has been distributed either by a system of land grant known in the French period as "concession", by transfers and sales of land recorded in deeds, by wills recorded by Notaries Public or by the Curatelle Department. However, a great number of land transactions also occurred which were not recorded and considered as private sales ("sous- seing privé").

To safeguard against sale of land to other parties, the system of registration of deeds was introduced: "Here it is that

#### Reference 603 - 0.01% Coverage

Truth and Justice Commission 133

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
are kept, and in which

#### Reference 604 - 0.01% Coverage

and testaments”, at Chapter 5.

Wills are another method of transfers of land but these are not entered into the deed register. These are recorded by Notaries and kept in the studies if the Notaries concerned and transferred to the National Archives after a number of years. It so happens that many individuals neglect to register their deeds, or these have not been recorded within the time required, thus showing the limitations of the deeds and Notarial records.

Furthermore, the Curatelle Department was established in 1768 to administer vacant estates. This was particularly useful as many young male bachelors had settled in Mauritius and did not leave any heirs when they died. The single Curator of the 1768 was replaced by a Curator for each district in 1795, appointed for life by the Communes. They were poorly paid and did not work efficiently. Some order was put by Decaen who restored the unique Curator system. He received a commission on land sold. However, his duties increased after 1809 when he was also given the duty to watch over wills where there was an executor, and it is felt especially when the executor may be a Black person.

An overview of the different changes which occurred over the years (since 1721 up to modern times) gives an idea of how land ownership evolves during the colonial times, up to Independence.

The Truth and Justice Commission has put the question to know “who owned the land? How was the land distributed? Who obtained the land, and who was allowed to own land on the island?” These questions have been discussed in Chapter 1 and are further highlighted in this present report.

A poor Frenchman could never aspire to obtaining a land grant of 156 Arpents, nor could an unskilled slave. Some slaves did obtain, however

#### Reference 605 - 0.01% Coverage

were manumitted (See Appendix 1).

- On 18th February 1791, Widow Maudave freed Marie, her slave. As a reward, Marie was given a piece of land, 3 000 livres and three slaves.
- Azor, a Mozambican slave obtained his freedom from Sr Jean Baptiste Pipon and 12 Acres of land in Camp de Masque, District of Flacq.
- Marguerite, a Creole slave was given her freedom as well as 78 Acres of land and eleven slaves by the late Sr Fleury in his will.

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#### Reference 606 - 0.01% Coverage

Truth and Justice Commission 134

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More plots of land, however smaller, and located in the Camp des Noirs Libres, Camp des Lascars and Camp des Malabars, in Port- Louis, were given to manumitted slaves. Pierre, for example, a former slave, manumitted his parents and sister, and gave them a house as well as 10 Acres in Mahebourg.

Succession to property was also

#### Reference 607 - 0.01% Coverage

their natural right to property.

After abolition of slavery, the colonial land policies were geared to ensuring that a sufficient pool of labour was available for sugar production. In his circular of 31st January 1836, to the Governors of the British Colony, Lord Glenelg underlined that "precautionary measures "were required " to prevent the occupation of any Crown lands by persons not possessing a proprietary title to them; and to fix such a price upon all Crown lands as may place them out of reach of persons without capital".

The need to produce exportable products also dictated land policies: it was preferable to produce sugar for export than to grow food. The economic emancipation of ex-slaves was not, at this stage, on the agenda of the British Government. Lord Glenelg's views were shared by the plantation owners but difficult to implement: land was important to ex-slaves and as many had saved sufficient capital and they had bought land in large numbers all over the island.

The supposed aversion to agriculture

#### Reference 608 - 0.01% Coverage

occurred between 1853 and 1875.

Massive importation of indentured labourers and enormous pressure on land also during this period was put; and particularly of the forest areas which was reduced from 55 000 hectares to 33 000 hectares. Older coastal plantations on the west coast were abandoned in favour of

interior

plantations situated in upper

#### Reference 609 - 0.01% Coverage

threat of pollution was possible.

A "merciless water war" ensued, according to Gleadow. Some mills crushed their rivals by means of lawsuits, just or unjust. Others had to amalgamate and centralize because there was water enough for one only. One of the biggest concerns in Black River District which "had not displayed excessive scruple in respecting the rights of others", can nevertheless only water one fifth of its land.

Expansion occurred in the Northern

#### Reference 610 - 0.01% Coverage

Truth and Justice Commission 135

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into the 20th Century, as

#### Reference 611 - 0.01% Coverage

not object, the Surveyor's plans

became legal. A "verification" was held in 1884 and they obtained 82 Acres of forest land which they sold to Indian and Creole proprietors. The person rectifying the line, one Cassidy was later prosecuted for accepting a bribe from Robert for this "rectification".

"Even Government forests were cut

#### Reference 612 - 0.01% Coverage

own estates, but also on

Government lands somewhat near their estates and Government surveyors even drew false boundaries for Government lands, thus giving away Government land to estate owners, who, of course, rewarded the Government surveyors with large bribes"<sup>1</sup>

Bribery and blackmail were used to obtain land illegally, according to Gleadow. In Black River, other owners had also encroached on forest land such as Virgile Naz and Labutte. Other reasons were advanced to legalise illegal lines: lack of funds to undertake surveying.

Some 100 feet of forest

#### Reference 613 - 0.01% Coverage

they had acquired it illegally.

Those who had encroached after promulgation of acts then demanded compensation. They also tried sometimes successfully to influence local government officials and even the Governor. There was a clear defiance by large plantation owners of the laws and encroachment on land which was never checked.

The most famous case at

#### Reference 614 - 0.01% Coverage

Truth and Justice Commission 136

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Gleadow's final statement reveals much

#### Reference 615 - 0.01% Coverage

Mauritius Rebellion of 1832 and

the Abolition of British Colonial Slavery", which was published in the "Journal of Imperial and Commonwealth History, May 1976, Volume IV Number 3" Burroughs made reference to an exchange of letter "Buchanan to Lefevre, dated 7th June 1833"<sup>2</sup> underlining: "Shrewd scheming advocates with the eye to augmenting fees and influence found unlimited scope to ensnare opponents in the meshes of law, prolong cases brought before trial, and emasculate unpopular legislation. The local bar buttressed its enviable position by restricting the number of "Avoués" who could practice and making this privilege a monopoly of foremost French families. Because of its intimate association with planters and merchants

through intermarriage, investment, and a common concern to defend the status quo, as well as its mastery of the obscurities of French commercial and land law, the legal fraternity dominated to an extraordinary degree the life of the whole community and exploited that predominance for selfish ends. Whenever the British Government devised incongenial policies or threatened to undermine the oligarchy's ascendancy, judges and lawyers could and did unashamedly empty the Courts to protect their sectoral interests. British merchants and creditors, for example, who, by 1832, apparently held mortgages on all but one of the island's sugar plantations, protested regularly about being defrauded by Mauritian debtors because of partisan "Avoués" and antiquated French laws so 'remarkably convenient for cheating the British out of their money'. They persistently urged the Colonial Office to introduce English laws and English Judges".

The 1920s witnessed the collapse

#### Reference 616 - 0.01% Coverage

Truth and Justice Commission 137

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Sugar (Estate) Company Sale by

#### Reference 617 - 0.01% Coverage

CHA

Succession Court cases Frivolous

Wills & Testaments State Land

Non-land cases Miscellaneous Total

16 8

29 24 62

#### Reference 618 - 0.01% Coverage

Truth and Justice Commission 138

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CONVERSION TABLES LENGTH 1

metre 1 metre 1 metre 1 metre 1 kilometre 1 French foot = = = = = 3.2808 ft 1 foot 3.0784 ft (French)

0.30784 gaulette 0.513 toise 0.6214 mile 1.065 English foot

1 foot (French)

1 gaulette

#### Reference 619 - 0.01% Coverage

Truth and Justice Commission 139

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: LA FLECHE  
TJC/L/0002/ANTOINE MARIE NOELLE AND OTHERS

The applicant, Marie Noëlle Antoine born Rome, heiress of Auguste La Flèche, together with other members of her family, state that Auguste La Flèche bought on 11th February 1845 a plot of land from one Jean Baptiste Permont and his wife Honorine Yandel. The plot of land of approximately 118 Arpents formed part of "une habitation plus grande contenance" situated at 'Quartier de la Rivière Noire', lieu dit "Les Plaines

Saint Pierre." It has been said that due to the inability of La Flèche to pay for the purchase of the land, it has been seized. But, the family avers that the official record underlines that "le dit jugement n'a pas été transcrit car dans la Case hypothécaire de Auguste La Flèche, dit Siccard, la mention de saisie ne figure pas". In the «Case hypothécaire» of J. Baptiste Permont, there has been 'deux ventes du même terrain de 118 A 00 p à deux personnes différentes: l'un à M. Auguste La Flèche le 11.02.1845 et l'autre au prétendu Mon. et Madame Joseph Gélén le 30.11.1846. Mais étant donné que Monsieur Auguste La Flèche a eu main levée de Mon et Madame J.S Permont en date du 27 Février 1847 et qu'aucun jugement de saisie n'a été transcrit, j'en conclus alors que les droits de Auguste La Flèche, dit Siccard n'est pas éteint..." (p. 323 from Rapport de Constat of Jean Chaton Land surveyor on 21st August 2003).

The 118 Arpents belonging to

#### Reference 620 - 0.01% Coverage

Borde and Marguerite Lucia Camoin.

The plot of 312 Arpents was sold several times. In 1946, the land was sold to one Abdoolatif Hosseman. On 5th February 2002, by order of Supreme Court, Raffic Osman and Karim Osman who were occupying the land illegally after formal claims, were summoned to quit and leave and vacate completely the said portion of land of 118 Arpents on request of the heirs of Auguste La Flèche (Summons from Supreme Court refers).

On 6th August 2002, application

#### Reference 621 - 0.01% Coverage

Court regarding withdrawal of the

The applicant declares that her uncle, Jules Edouard Rome (now deceased), represented the family in Court. The family ignores what has happened really on that day. Jules Edouard Rome was possibly forced into a decision due to the fact that there was no Land surveyor report to support the ownership of the La Flèche family.

The family restarted procedures to get back the land as the land is still there. She often goes there. There is still a chapel in ruins and tombs, which the elders say, are La Flèche family tombs.

In a second claim, the La Flèche family avers that Dame Babet, Widow La Flèche, mother of Auguste La Flèche obtained a "Titre de concession" at the Emplacement Ilôt (section 86 No 3) on 17th October 1836. The extents of the 2 portions of land are of 18 toises and 6 ft and 7 toises 2 ft. respectively. The land is found at Royal Road, Port-Louis.

She says that, at present, the land is a car parking owned by four persons. She says that the bakery owned by Auguste La Flèche was situated there.

In a third case laid before the Commission, Marie Noëlle Antoine says that Aristide La Flèche owned several plots of land in Rose Hill.

Concerning claims 1 & 2, the

#### Reference 622 - 0.01% Coverage

was submitted for Case 3.

The family requests the Commission to undertake searches and to assist them in getting their land back.

After having lengthily perused the

#### Reference 623 - 0.01% Coverage

Truth and Justice Commission 140

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

In virtue of title deed transcribed in Volume 44 No. 380, Jean-Baptiste Permont sold to Auguste La Flèche a plot of land of an extent of 118 Arpents situated at Black-River on the 28th January 1845.

In virtue of title deed transcribed in Volume 46 No. 233, Jean-Baptiste Permont exchanged the same plot of land of 118 Arpents situated at Black River against a plot of land of 220 toises situated at Mahébourg, belonging to Joseph Gelin and his wife on 30th November 1846.

On page 2 of the above-mentioned title deed (TV 46 No. 233) it is specified that due to the nonpayment of the sale price of the land the 'resolution' thereof has been pronounced by the consent of the said La Flèche 'par sentence du tribunal de première instances de cette île en date du six avril dernier (1846) dument enregistré le 27 du même mois RC 69 No. 3047 en droit de vingt livres sterling et signifie par exploit de Panguy, huissier en date du 25 novembre courant (1846). L'original duquel exploit, enregistré le dit jour vingt cinq novembre courant (1846) est demeuré annexé, après avoir été de lui certifié véritable et signé en présence des notaires soussigné – la dite résolution de vente a été prononcé par le tribunal pour les dits Sieur et Dame Permont être et redevenir propriétaires du dit bien franc et quitte de toutes charges et hypothèques du fait du dit Sieur La Flèche dit Sicard, et ce aux termes de la dite sentence sus-relatée.'

It is to be noted

#### Reference 624 - 0.01% Coverage

titre de propriétaire' and apparent.

It is also the claim of the applicant that the land has been illegally sold in a sale of 312 Arpents, and same was sold several times and lately in 1946 to A. Hosseman. The fact remains a case before the Supreme Court was entered by the heirs claimant ordering Osman and parties to quit, leave and vacate but same was withdrawn by the claimant's Attorney on the 6th August 2002, "with costs".

This withdrawal before the Court

#### Reference 625 - 0.01% Coverage

their rights over the property.

On the other hand, it is the contention of the Land Surveyor T. Chaton, to the effect that the "rights of the claimant" is still a live issue.

Based on his reports, Chaton, henceforth, acknowledged that the company, 'The New Belle Isle Estate Ltd' is the owners of a land situate at Plaines Saint Pierre of 118 Arpents and same has been duly transcribed (TV No. 504 and 506).

There is also undisputed issue that by virtue of the title deed Volume 46 No. 233 that J.B Permont exchanged the plot of 118 Arpents against a plot of 225 toises situated at Mahébourg belonging to Joseph Gelin and his wife on 30th November 1846. This explains why the issue of transcription has not been effected since the land "in lite" was exchanged (TV 31 No. 20).

It is also of interest



#### Reference 626 - 0.01% Coverage

mais pas de bâtiments administratifs..."

Even though the Auguste La Flèche has been initially the owner of the land in title as per the title deed Volume 44 No. 380 on the 28th January 1845, the said Auguste La Flèche has relinquished such right as per the title deed TV 46 No. 233 due to the non-payment of the sale price of the land.

Due to the fact that the tribunal had resolved (annulled) the first title deed drawn up in the name of Auguste La Flèche, the heirs of late Auguste La Flèche do not have any right on the relevant plot of land.

\*\*\*\*\* Truth and Justice Commission 141

#### Reference 627 - 0.01% Coverage

Truth and Justice Commission 141

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: TANCREL TJC/L/0003/TANCREL DANIELLE & OTHERS

The deponents (Joan Pierre Tancrel and Mrs Marie Danielle Fitzgerald, born Tancrel) claimed to be the direct and legitimate heirs of late Antoine Tancrel, who was among the first French colons settling in Mauritius and who had acquired several plots of land in the District of Flacq situated at Rivière Coignard, Camp de Masque.

In support of their claim, they have submitted some documents before the Commission, namely for a plot of land of the extent of 86 Arpents at Rivière Coignard and for another plot of land of the extent of 452A15 perches at Camp de Masque.

Most of the descendants of the Tancrel family now live abroad – South Africa, England, America, and France. The deponents find it hard to gather information on their family and on the land their ancestors possessed. They have, nevertheless, done quite a bit of research to that effect.

The deponents aver that, initially

#### Reference 628 - 0.01% Coverage

classified as Gens de couleur.

problems with regard to land dispossession.

Some 30 years ago, some relatives living in UK and France visited Mauritius and went to discuss with some Lawyers/Attorneys who, in turn are the descendants of Gujadhur family. They had a rough time and could not come up with any clarifications. It is noted that the Gujadhurs possessed the sugar estates L'Unité and L'Union which, after merging with other sugar estates, became FUEL. The Tancrels had land which formed part of L'Unité.

The Commission made several suggestions

#### Reference 629 - 0.01% Coverage

Unrest in 1937 in Flacq.

This is a complex case with many loose ends, but, nevertheless, it seems to be a typical case of dispossession by Sugar Estates, of land belonging to a French colon, who had children with a woman slave.

The family was advised to contact a Land Surveyor to make a "Constat Report" to enable them to

pursue further their claim. They retain the services of Ravindrananth Bhurtun, Land Surveyor, for a "Constat Report".

In a Report drawn up on 19th July 2011 Registered in Reg A 770 No. 4957, Land surveyor R. Bhurtun after having made searches about the location and ownership of the 86 Arpents located the land at Gibraltar, Camp de Masque, sandwiched between concessions Buttié, Routier and Marcotte as morefully indicated on his plan.

It is found in the

#### Reference 630 - 0.01% Coverage

plantations of Flacq United Estates

Limited. R. Bhurtun confirms in his Report that the land of 86 Arpents is neither found in the "Casier Hypothécaire" of FUEL, nor in their title deeds. Moreover, that portion of land did not undergo any "mutation de propriété" todate.

The Surveyor Bhurtun concludes that

#### Reference 631 - 0.01% Coverage

Truth and Justice Commission 142

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Arpents which is being claimed

#### Reference 632 - 0.01% Coverage

deed dated 19th July 1783.

The Commission is not satisfied with the explanation given by the Chief Executive of FUEL as regards their ownership over that plot of land as no mention is made in their Domaine Book for Domaine Camp de Masque save "that the land in question has been in continuous and uninterrupted occupation by FUEL since 1938 and before by Constance Maness". FUEL has integrated the portion of 86 Arpents without any supporting title.

In other words,

One good

#### Reference 633 - 0.01% Coverage

supporting title.

In other words,

One good note is that the land of the Tancred family appears on their plan submitted to the Commission and is astride on Domaine Camp de Masque and Domaine Gibraltar.

The documents submitted by ENL have been remitted to the Tancred family for further action at their end with a view to recover their land.

It is up to them

#### Reference 634 - 0.01% Coverage

KISNORBO LOUIS.E.DIDIER & others

The applicant, Louis Eric Didier Kisorbo, avers he is one of the heirs of Nicholas Mayeur on son's and daughter's side. The applicant's grandmother, late Anne Kisorbo, born Cazalens, was the direct and legitimate heir of Nicholas Mayeur. Nicholas Mayeur acquired a property of 264 Arpents 90 of which 200 Arpents are left. Nicholas Mayeur died on March 1809 on his property at Trois Ilots Olivia, Flacq. In his will he gave his property of 210 Arpents to (1) Joseph Mayeur his son, "noir libre", (2) Marie Michèle Mayeur, his daughter "Femme de Couleur". He appointed as executor of his will, his neighbour, Pierre Marquet also called Cottry who was, at that time, the greatest land owner of Trois Ilots. Cottry withdrew as executor of his will and occupied the property (Document 2) as Joseph and Michèle Mayeur could not inherit from their father as le Code Decaen interdicted them as offspring of slaves, to inherit from their father who was a white man.

Pierre Marquet, also called Cottry

#### Reference 635 - 0.01% Coverage

heirs are still the owners.

In their request before the Commission, the heirs want: • Restitution of the land to the heirs; and • Compensation for illegal occupation of land and loss of use by legal heirs.

Truth and Justice Commission 143

#### Reference 636 - 0.01% Coverage

Truth and Justice Commission 143

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Even if the applicant has

#### Reference 637 - 0.01% Coverage

that of 'Dispossession of 200

Acres at Trois Ilots by W Marguet dit Cothrey, now land occupied by Deep River Beau Champ Sugar Estates to the detriment of Nicolas Mayeur", but the case was first heard on 28th October 2009, when Louis Eric Didier Kisorbo deposed as one of the heirs and succession of Nicolas Mayeur who died in 1809 but who purchased during his lifetime a property admeasuring 264 Arpents 90 perches situated at the left bank of 'La Grande Rivière du Canton des Trois Ilots", in terms of a deed drawn up on 28th September 1797 by Notary Jean-François Arnaud and preserved at the National Archives ("Répertoire" NA538/7 No. 472).

According to the hearing summary

#### Reference 638 - 0.01% Coverage

his request was as follows:

- That the Commission helps him to repossess a plot of land of 200 Acres, being what remains of the 264 Arpents 90 mentioned above and which is presently occupied by Deep River Beau Champ and to obtain as well reparation or damages.

- Invites the Commission to consider the whole issue of the law dealing with prescription as it prevents the descendants of slaves from being able to recuperate land lost as a result of the slave status of the ancestors. Another hearing session was held on 13th May 2011. At that hearing, Didier Kisnorbo was assisted by Land Surveyor, R. Bhurtun.

The latter filed a

'Rapport

#### Reference 639 - 0.01% Coverage

Bhurtun.

The latter filed a

'Rapport de constat' in which he holds the view that Deep River Beau Champ not only has no title to the 200 Arpents being occupied but that the land is being occupied illegally and unlawfully by false title deed links, description, limit and extent, and has usurped the properties and rights of heirs.

In support of his views

#### Reference 640 - 0.01% Coverage

R. Bhurtun avers the following:-

- Nicolas Mayeur died in 1809 and left as heirs Joseph Mayeur and Marie Michelle Mayeur. The extent of the land at his death was 200 Arpents 90, following the excision and sale of three portions of land (30 Arpents, 20 Arpents and 14 Arpents) from the original extent of 264 Arpents 90.

- There is no record that the land has ever been sold or ceded. • The land is located near Kewal Nagar Village and adjoins concession Abraham.

- There is no connection between

#### Reference 641 - 0.01% Coverage

purchased by Deep River Beauchamp.

- Mr. Nicolas Mayeur bequeathed the property to the two heirs above-named. • The majority of the land is now occupied by Deep River Beauchamp Company Ltd for cane plantation and partly by the Sir Seewoosagur Ramgoolam Memorial Garden and Monument.

- The land owned by Deep River Beauchamp, 200 Arpents in terms of the deed transcribed in Volume 523 No. 163 is triangular in shape and its description does not tally with the four sided land which Mr. S. Kisnorbo claims to belong to the heirs Mayeur.

The representative of Deep River

#### Reference 642 - 0.01% Coverage

26th September 1882 when Société

Beauchamp Sugar Estates Company Limited acquired the said portion of land from Alcide Sornay, Thomy Mamet and Evénor Dubois and his wife in terms of TV 150/228.

In addition, it is worthy to note that at the hearing session the CEO stated that in the past the Company had solved existing land issues by asking the two Land surveyors to study the case and come in with a full history of the land.

Truth and Justice Commission 144

#### Reference 643 - 0.01% Coverage

Truth and Justice Commission 144

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Subsequent to the hearing session, an official letter was sent to the Company on the 21st July 2011 with a formal request to let the Commission to know whether the land claimed by Louis Didier Kisorbo within the limits shown on an enclosed plan was owned by the Company. The reply of the 21st July 2011 confirmed that the land is comprised in the Company's estate land and the same brief handed over on the day of hearing was enclosed.

The Commission observes that there is evidence that Nicolas Mayeur did purchase a portion of land at Trois llots and that at his death, he owned an area of 200 Arpents 90.

On the other hand, it is not clear what happened at his death to the land and what is the link, if any, between that plot of land and the 200 Arpents purchased by Beau Champ in terms of a notarial deed.

The Commission is faced with a claim whereby a party claims to have ownership rights over a portion of land of an extent of 200 Arpents 10 on the strength of the deed preserved at the National Archives as mentioned above; whereas

the other interested party claims

#### Reference 644 - 0.01% Coverage

interested party claims to have

ownership rights in respect of a portion of land of an extent of 200 Arpents on the strength of the deed transcribed in Volume 523/163.

In view of the issue raised regarding the location of both portions of land which, for all the Commission knows, may also be one and the same land, it would be in the interests of Louis Didier Kisorbo to request his surveyor to liaise with the Company's surveyor and sort out the location issue in the first instance.

The other alternative is to seek redress in a Court of Law if he feels he has a strong case but at this stage, it will be difficult for him to support his claim without a proper plan which can only be produced if he has access to the land.

\*\*\*\*\* CASE NAME: FRICHOT

TJC/L

#### Reference 645 - 0.01% Coverage

Paul Jose TJC/L/0128

Serge Claude Frichot, the applicant, and other members of the family, claim that they are the heirs of Jean Martin Frichot who married Marguerite Frichot born Panon. In a letter addressed to the Commission, the applicants affirm that the family hired the services of several Notaries, Attorney-at-law and Land surveyors.

According to the applicants, these people have gone through long lasting procedures which have produced none of the awaiting results.

Case 1 The applicants claim that they are the rightful heirs of a plot of land of 25 Acres at Black River. They denounce that they have been victims of some ill-intentioned persons who have been illegally occupying their land. They also relate that the adverse party actually occupying the land (illegally) has erected a Real Estate project on 24 Acres of land out of the 25 available.

The applicants  
deplore the fact

#### Reference 646 - 0.01% Coverage

at the Bar at law.

Case 2 The applicants affirm that they also own a portion of land at Bambous. The land has been and is still illegally occupied by a company

#### Reference 647 - 0.01% Coverage

said company belonged to Victoire

Ducasse who donated the property to her children including Laurestin Frichot, their forefather. The applicants relate that they were able to obtain an authorization from the Supreme Court of Mauritius in 2003 in order to survey the land. But according to them, the adverse party successfully intimidated the Land surveyors.

Truth and Justice Commission 145

#### Reference 648 - 0.01% Coverage

heritage has been standing for

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

years on the land namely a chapel, some tombstones and the ruins of an ancient factory. All of these have been destroyed by means of bulldozers by the adverse party.

Case 3 A plot of land, of 156 Acres at Albion, inherited by the heirs Frichot has been identified and surveyed. But the applicants affirm that they have met strong resistance from the adverse party: Médine Sugar Estate. This latter has even lodged an injunction before the Court of law. The case is actually before the Supreme Court; the Médine Sugar Estate has failed to appear and has deliberately postponed the case several times. Since then, Médine Sugar Estate, with the help of bulldozers, has been damaging all the boundary stones and landmarks despite the Court's order preventing both parties to have access to the said land.

Case 4 The Domaine Les

#### Reference 649 - 0.01% Coverage

is the ancestor of applicants.

The land is of an extent of 308 acres. The applicants deplore the fact that they have not been able to survey the land till now.

The applicants submitted several documents

#### Reference 650 - 0.01% Coverage

the Commission as when required.

Furthermore, the applicants declare that their modest background has made that they have been vulnerable to ill – intentioned persons having easy access to finance and political backing. They claim that they cannot afford to lose the plots of land purchased by their forefathers without putting out the least fight. They request the necessary assistance of the Commission to carry out land surveying, claim or reclaim of their land.

The Commission analysed all the documents submitted, namely a summary of the request made by Serge Claude A. Frichot, following his letter dated 1st June 2009 to the Commission for remedial action in regard to four portions of land.

- A letter signed by Attorney-at-law Indu M. Padya was sent to the then Minister of Housing & Lands, Honourable Asraf Dullul, dated 21st July 2006 listing several portions of land in which the heirs of Frichot claim they have rights. been taken by the Ministry.

It is not known what

#### Reference 651 - 0.01% Coverage

still pending before the Court.

The Commission was informed that the three Land Surveyors Ng Tong Ng Wah, Dwarka and D.D. Spéville would report back to the Supreme Court before Judge Devat after 17th June 2010.

When called at the Commission

#### Reference 652 - 0.01% Coverage

006/FRANÇOIS JACQUES HEROLD & OTHERS

Two plots of private land (130 – 134 toises) belong to Emile François and 46 toises to Auberger François respectively. The land is Truth and Justice Commission 146 situated at La Gaulette approximately opposite to the

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Débarcadère near the Community centre

#### Reference 653 - 0.01% Coverage

and Auberger François are living.

In front of this plot of land, is found a plot of State land which Jean Emile François has been cultivating with mango trees, vegetables on which is found the septic tank and a right of way leading to the main road. The family has made several requests to the Ministry of Housing and Lands for the lease of this plot of land. Requests have been acknowledged by Ministry of Housing and Lands to Joseph Lindsay François on the 23rd September 2005. Affidavits have been sworn in respectively by Joseph Lindsay François, son of Emile François on the 25th January 2005, regarding a cafeteria to be built on the land instead of an orchard. At the same date, Marc Lindley Dario François (grandson of Auberger François) declares that he is still occupying the land and cultivating it. No reply has been received from the Ministry of Housing and Lands.

On the 8th June 2009, Government Land surveyors, in the company of one B. Chunwan, admeasured the land with red paint. The Ministry of Housing and Lands has, apparently allocated the land to someone else as a CWA "compteur" has already been installed there.

The François family, who has been looking after this plot of land over years, considers that the lease should be given to them instead.

The Commission is of the opinion that the complaint concerns State land at La Gaulette and a right of way, a direct access claimed by Jacques Herold François over an uncommitted State land. Being given that the lessor (Government) has now disposed the land in favour of another person for the construction of a building for commercial purposes, the applicant, as such, has no interest on that committed State land.

In view of the fact that the land which they are claiming is State land, the Commission cannot consider the application and has advised the François family to address their complaint to the Ombudsperson if they still feel aggrieved.

\*\*\*\*\* CASE NAME: PAULIN TJC/ L

#### Reference 654 - 0.01% Coverage

before the Commission to investigate.

Case 1 Dorval Mauvais Oeil and his wife Estelle Le Filou purchased a plot of land from Ernest Leclézio of 1 Acre (TV 47/229). The plot of land was divided in two parts whereby Dorval Mauvais Oeil and his wife Estelle Le Filou occupied the South Eastern part and Célestine Julie, the concubine of Dorval Mauvais Oeil occupied the North Western part.

Marie Gisèle Paulin, applicant's mother

#### Reference 655 - 0.01% Coverage

sold, on 23rd August 1996

to applicant a plot of land admeasuring 207.66m<sup>2</sup> found at Ste. Croix, Port Louis, according to PV of surveyor Dumazel (LS 33/116 MF 68/19-20G). The aforesaid plot of 207.66m<sup>2</sup> formed part of a plot admeasuring 607.66 m<sup>2</sup>; this latter plot itself being the remaining part of a plot of land of 50 perches after the sales of two plots of 6 and 25 perches respectively by Louis Raphael Paulin (TV 679/95). Gisèle Paulin and Raphael Bisséral, on the other hand, sold a plot of land of extent 173.40 m<sup>2</sup> to one Jose Aza, of Cité La Cure Port Louis, as evidenced by LS 34/2102.

Applicant's uncle told him that the plot of land of extent of 50 perches has never been sold by Célestine Julie. When she died, the Mauvais Oeil family stayed on the land. The heirs, Raphael Bisséral & Gisèle Paulin stayed there too. The land is still bare. The applicant still considers that the family is the heirs of this plot of land.

Truth and Justice Commission 147

#### Reference 656 - 0.01% Coverage

Truth and Justice Commission 147

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The request to the Commission was to investigate whether the plot of the land of 50 perches is still the family property.



Case 2 Applicant's uncle Raphael was owner of a plot of land at Grand Gaube, which, avers the applicant, inherited from his father. He does not know the exact location of the land. Six years back, applicant says that he found Document in Registrar General's Office related to this land. He adds that he often travels abroad. So, when he came back in 2007 to obtain the Document, he found that the page was torn from the Register.

The Commission analysed the case

#### Reference 657 - 0.01% Coverage

a daughter, Marie Gisèle Paulin.

- Applicants believed that they are the heirs of late Célestine Julie who owned the plot of land of extent of 50 perches at Champville, Vallée-des-Prêtres, in virtue of title deed TV 47 No. 229 dated 2nd November 1847.
- As per TV 478 No. 229, Alexis Ernest Leclézio sold to Dorval Mauvais Oeil, Estelle Le Filou and Célestine Julie a plot of land of the extent of 1 Arpent at Vallée-des-Prêtres.
- According to Notarial Deed drawn

#### Reference 658 - 0.01% Coverage

late Ange Evariste Dorval) (being

the share of Jean Joselin Mauvais Oeil, who indeed, inherited a plot of land, died on the 11th April 1877 late Célestine Julie in the above property) to

In the light of the above, the applicants have no right on the property of 50 perches, nor do they own other plots of land apart from the remainder of the plot at Vallée-des-Prêtres.

\*\*\*\*\*

CASE NAME: LEMIÈRE TJC /L

#### Reference 659 - 0.01% Coverage

0008/ LEMIÈRE PAUL AND OTHERS

Paul Lemièrè, in the name of his family, submitted several cases before the Commission, all related to land claims at Petite Rivière Noire, as well as a welter of Documents to sustain these claims.

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#### Reference 660 - 0.01% Coverage

Truth and Justice Commission 148

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Case 1 The applicant avers that In 1856, Joseph Hippolyte Lemièrè owned a 'titre de propriété' as evidenced by TV 65/23, ¼ 'indivise' of a plot of land of 1400 Arpents, that is, 350 Arpents situated at Bois Puant, Petite Rivière Noire, in front of Ilot Fortier.

In the plan of "Pas

#### Reference 661 - 0.01% Coverage

Arpents and in Code Decaen.

In his Master plan, the Société Koenig Frères has cancelled the road which comes from the Mountain, along Bois Puant, the water reservoir towards the "Barachois" and has included it illegally in his portion of land. The applicant avers that the evidence of this road in the plan of the CWA, still exists both on Google Earth and in the plan of the "Département des Bois et Forêts". The portion of land of 1400 Arpents has been reduced to 1210 Arpents through irregular recuperation, avers the applicant, basing himself on the "Rapport Langlois", submitted to the Commission. In the report of surveyor Chaton, it is mentioned that "Société Koenig Frères" has included the land of the heirs Lemièrre in their portion by cancelling the landmark.

According to research in the

#### Reference 662 - 0.01% Coverage

form part of "concession" Duclos.

The "Société Koenig Frères" is the owner of 686 Arpents at La Grande Rivière Noire, where the limits of their land end at Petite Rivière Noire, with the "concession" Duclos being the bordering line between the two "concessions"

#### Reference 663 - 0.01% Coverage

well as to "Société Koenig

Frères", asking them to leave the land. They have never done so. On the contrary they have "regularize" their case on the 1st July 2005; thus, bringing the extension of the land leased to 162 Arpents (Articles in Le Cernéen of 13th November 2007). The "Société Koenig Frères", at present known and registered as the "Société Contour Bornes", occupies a lease of 10.5 Arpents of 'Pas Géométriques'. The public roads have been diverted. The applicant contests also the closing down of the public road between "concession" Duclos and "concession" Messein.

Furthermore, the applicant contests the

#### Reference 664 - 0.01% Coverage

well as

lower part of

Case 3 Eugène de Ravel and Maroussem own a plot of land of 1210 Arpents. They have sold the said plot of land to "Société Palmyre" owned by the Hardy family. The land surveyed originated from a plot of land of 1400 Arpents reduced to 1210 Arpents irregularly. The applicant contests the survey because he said that as a landowner, he was not convened when the survey was made.

He has entered a case

#### Reference 665 - 0.01% Coverage

Truth and Justice Commission 149

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1. 2. 3. 4. 5

#### Reference 666 - 0.01% Coverage

Société Palmyre

New Mauritius Hotels

CWA regarding the occupation of this land. Ministry of Housing and Lands

The case was heard for

#### Reference 667 - 0.01% Coverage

postponed to 19th November, 2009.

The applicant requests the Commission to make an enquiry so that the heirs Lemièrre could get back their land which still exists in the "Casier hypothécaire" of the family.

The Commission analysed and discussed lengthily on the claims. Paul Lemièrre stated that his ancestor, the late Hippolyte Lemièrre, was the owner of one quarter ( $\frac{1}{4}$ ) undivided rights in an original portion of land of an extent of 1400 Arpents (590.90 Hectares) situated at Petite Rivière Noire (Ex-concession Duclos) for having purchased same from the late Gaston Martin Moncamp on the 13th September 1858, as transcribed in TV 65 No. 23 which authentic deed of sale was drawn up by Me. Jean Baptiste Guimbeau, Notary Public. The description of the boundaries of the land "in lite" is found in the above-mentioned authentic deed which reads as follows: a.

"D'un côté par la propriété

#### Reference 668 - 0.01% Coverage

mentioned in paragraph 1, was

therefore entitled to an extent of 350 Arpents (147.74 Hectares) taken from the original portion of land mentioned of 1400 Arpents (590.90 Hectares), this being the afore-mentioned one quarter ( $\frac{1}{4}$ ) undivided rights in the land "in lite". The plaintiff avers that the afore-mentioned one quarter ( $\frac{1}{4}$ ) undivided rights in the land "in lite" have never been subject to any sale, transfer, conveyance, nor by any of his heirs or successors, as evidenced by Repertory 38 No. 102 which has remained unchanged to date with no marginal entries of any further sales or transactions whatsoever. He further avers that he and the other heirs of the said Late Hippolyte Lemièrre are, in truth and in fact, the co-owners of a portion of land of an extent of 350 Arpents (147.74 Hectares) contained within the original portion of land mentioned of 1400 Arpents (590.90 Hectares) this being the afore-mentioned one quarter ( $\frac{1}{4}$ ) undivided rights in that portion of which has devolved to them in their capacities as legal heirs and successors of the Late Hippolyte Lemièrre.

Searches have revealed the following

#### Reference 669 - 0.01% Coverage

TV 64 No. 81 in

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and Hippolyte Lemièrre. They had

#### Reference 670 - 0.01% Coverage

was also drawn up on

21st September 1882 by the late Sworn Land surveyor, Arthur Langlois, signed by all the parties (late Hippolyte Lemièrre was not a party as he was not the owner of any rights in the property) and registered in Register LS 19 No.1898.

On the basis of the

#### Reference 671 - 0.01% Coverage

JEANNOT TJC/L/0011 JEANNOT

According to the deponent (Mr Chellumbrun) Matthieu Jeannot owned a plot of land of an extent of 156 Arpents at La Cantine, Albion. He avers that Matthieu Jeannot was married and had a son. The son had three children: Aurélie, Guillaume and Alcide. He is a descendant of Aurélie, who married Louis Dimba. The Jeannot are also heirs.

The deponent avers that Medine Sugar Estate is occupying the land and that legal actions were initiated against the Estate on four occasions.

Deponent says that former Chief

#### Reference 672 - 0.01% Coverage

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- Matthieu Jeannot purchased jointly with Joseph Favre 156¼ Arpents of land known as La Cantine in terms of a deed transcribed in TV 7 No. 94 bis.
- Matthieu Jeannot or Janno died

#### Reference 673 - 0.01% Coverage

Each lot admeasured 80 Arpents.

From the above, it follows that the will of Mathurin Jeannot in favour of Bretonache was given effect. A reading of the inventory which was carried out after the death of J. François Bretonache confirms that he was living on the land and occupied same for his business.

In the circumstances, the claim

#### Reference 674 - 0.01% Coverage

Moogon and Boudeuse for illegal

removal of stones from their premises. During the proceedings, sworn Land surveyor

Koyratee declared that following searches made it appears that the 80 arpents of land on the original plot of 156 ½ arpents still belong to the heirs of Mathurin Jeannot. This statement was again made by Land surveyor Koyratee before a hearing session of the Commission on the 14th September 2011.

Land surveyor Koyratee avers that in Court, Bernard Desvaux de Marigny, sworn Land surveyor of the Medine Limited stated that the heirs of Mathurin Jeannot cannot pretend to have any claim on their 'ancestral' lands, because before the latter passed away he had bestowed all his lands to one Bretonache in a testament dated 21 June 1860.

On the other hand, Land surveyor Koyratee still avers that when crossed examined by Counsel in Court, "sworn Land surveyor Desvaux admitted that the testament cannot be believed simply because documents during that period remained with the custody of the Court and was not even transcribed."

During the Court proceedings, avers Land surveyor Koyratee, "Médine sugar estate was unable to produce any reliable evidence ("titre de propriété") of their property rights on the land of 156 ½ arpents or 80 arpents originally held by Mathurin Jeannot".

The Commission is unable to

#### Reference 675 - 0.01% Coverage

Truth and Justice Commission 152

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: RAMSAMY TJC/ L/0012/AMOINDA MICHEL AND OTHERS

Michel Amoinda, the applicant says that his mother, Amaye Ramsamy, owns a plot of land of 100 toises at Sainte-Croix. The family has lived on this plot of land for more than 50 years. The family believes that this land has been prescribed by their neighbour and that the latter has sold the land to someone else. The new proprietor is now suing the applicant for illegal occupation of land. The applicant went to Court. On the second hearing before the Court, the case was dismissed. The new proprietor again brought the case to Court for the second time. It was scheduled to be heard in January 2010.

Searches have been initiated by the Commission to find out the truth. However, there is no land registered in the name of Amaye Ramsamy at the Registrar General's Office. The only document available is a 'Brevet' that has not been transcribed.

The only copy of a

#### Reference 676 - 0.01% Coverage

in support of his claim.

Moreover, since there is a Court action on the issue of ownership, it is difficult to entertain the request to "assist her in getting back the land" at this stage.

\*\*\*\*\* CASE NAME: GOODSIR TJC/ L

#### Reference 677 - 0.01% Coverage

TJC/ L/0013/ GOODSIR JAMES

The applicant, James Goodsir, through his proxy, Gerard Bernard, put two claims before the Commission: one related to a plot of land of 172 Arpents which constituted the "concession" of one Fouquet, obtained in 1757; and another claim on two plots of respectively, pertaining to the 490

#### Reference 678 - 0.01% Coverage

at Coteau Raffin, Black River.

Case 1 According to a "concession" deed dated 16th January 1757, one Fouquet received a plot of land of 172 Arpents at Plaines Wilhems, more precisely at Henrietta, Vacoas. Fouquet married Perrine Gauthier on 6th August 1753. The estate is sold "à la barre" (by levy) in 1900. In the "acte de vente" (deed of sale), it is said that Fouquet or assigned is one of the neighbours.

At present, Médine Sugar Estate has been occupying the land for quite a long time. Gérard Bernard, the applicant's proxy, has been negotiating several restitution of the land. But Médine says that they are the owner.

times with Médine Sugar Estate

#### Reference 679 - 0.01% Coverage

Médine Sugar Estate for the

The applicant wants the Commission to request Médine Sugar Estate produce the title deed to prove that they are the official owners of the land. The applicant wishes to get back the land.

Case 2 Pierre Spéville, father of Amanda Spéville, owned two plots of land of 12 Arpents and 30 Arpents respectively at La Gaulette & Coteau Raffin. Some Mauritian families say that they are the legal owners of the land and they have constructed houses thereon. Applicant's proxy visited the land in 1966 and was shown the land marks. Since then, part of the land has been prescribed. The land was

Truth and Justice Commission 153 land of 12 and 30 Arpents

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

then covered with forests and at present, several houses have been built on this land. Applicant's proxy wants to know how those who built the houses have obtained the required permits (building, water, electricity). The applicant wants the Commission to assist in the research about the real owners and about the title deeds.

The Commission made searches and analysed both requests. Gérard Bernard holds a power of attorney conferred upon him by Perrine James Goodsir and, on behalf of the latter, he is claiming the ownership of an extent of 172 Arpents situated at Henrietta which was once conceded to François Fouquet. According to him the rights of ownership over the land are now held by Pierre James Goodsir as descendant of François Fouquet.

In support of his claim he has tendered the following documents: • A description of a plot of land of 500 "Pas Géométriques";

- An extract of a memorandum of survey of Land surveyor Merle dated 19th August 1763 (without any plan attached).

- A copy of TJ/98

#### Reference 680 - 0.01% Coverage

Reunion, Henrietta and Tamarind Falls.

The documents produced do not constitute sufficient proof of ownership in favour of Fouquet or his heirs. The fact that a description of a plot of land in a judicial sale paper mentions the name of Fouquet or Pauquet or assigns may be relevant for the location of a site but is immaterial as regards to the actual ownership rights of the portion of land.

It is observed that the land is said to be occupied by Médine Sugar Estates and that negotiations to recover the land – presumably "à l'amiable" - has failed as the Estate claims to be owner of the same.

The request of Bernard is

#### Reference 681 - 0.01% Coverage

other party to give particulars  
relating to a portion of land occupied by the estate peacefully "à titre de  
propriétaires" in order to build

#### Reference 682 - 0.01% Coverage

that respect, he has failed.

Case 2 According to the applicant, Pierre Spéville was the owner of two plots of land of the respective extents of 12 Arpents and 30 Arpents at La Gaulette and Coteau Raffin which are presently occupied by persons unknown to him.

According to a plan of the plot of land of 12 Arpents submitted by the applicant, relevant site may be easily identified on site. The document which the applicant submitted is a "sous seing privé" in which one D'Emmerez acknowledges the sale of 12 Arpents to be excised from the Estate Coteau Raffin to Pierre Spéville.

However, searches at the Mortgages Office have revealed that Pierre Spéville was the owner of a plot of land of 490 Arpents at Black River and this plot of land has been sold in virtue of title deed transcribed in Volume 1353 No.11. No record of the transaction mentioned in the "sous seing privé", related to the present claim, has been found.

The Spéville case is lengthily

#### Reference 683 - 0.02% Coverage

Truth and Justice Commission 154

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: MARION TJC/ L/0014/  
MARION LOUIS BENOIT & others

René Marion, great-great grandfather of applicant Louis Benoit Marion, owned a plot of land of 64 Arpents at Grand Bois. The land is still there but applicant ignores the exact location. He wanted to get the land back as he claims to be a descendant of René Marion, a landowner during his life time.

The applicant further adds that Médine Sugar Estate has only 623 Arpents of land in Beau Songes and the Marion family owns 2 portions of land of extent 32 Arpents 38 perches and 130 Arpents respectively at the same location of Beau Songes. Concerning the 130 Arpents, he says, Médine Sugar Estate is at present selling part of that land. As for the 32 Arpents 38 perches, at present, United Basalt is proceeding in derocking the land.

The applicant avers that his family has always occupied both plots of land as pasture land, for charcoal making and for cultivation. In 1982, they built a small house on the 32 Arpents 38 perches and a store-house on the 130 Arpents. Médine Sugar Estate threatened him with weapons and accused him of illegal occupation of land. The Médine Sugar Estate even had recourse to the Special Mobile Force to force the Marion family to vacate the premises.

Finally, the whole issue was brought before the Court where the applicant lost the case. Médine Sugar Estate destroyed the house, bulldozed the land as well as the irrigational canal which provided water to the applicant and his family. He feels that he has been dispossessed by Médine Sugar Estate.

Furthermore, the applicant says that he has inherited another plot of land in Les Salines. But he has no information on this land. In support of his claim, he has produced two deeds in respect of a portion of land of an extent of 64 Arpents 75 at Beau Bois and another of 24 Arpents approximately at Beau Songes, other documents submitted relate to family tree and also one proceipe.

A perusal of the contents on file by the Commission and further searches show that the documents produced (excerpt) for the affidavit are not sufficient to enable a proper examination. A request was made to the Conservator of Mortgages for a proper copy of TV 144 No. 275 which relates to the land at Beau Songes.

The document obtained reveals that the 24 Arpents plot of land were surveyed in April 1916 by one Emile Belcourt and found to admeasure 32 Arpents 38 perches. This property has been the subjectmatter to a proceipe in the District Court (cause No. 87/82). In the same paper, reference is made to an extent of 600 Arpents. "Bien Beau Songes surveyed by Laurent on 1st December 1918" in respect of which no information has been given by Louis Benoit Marion.

Further searches undertaken by the Commission revealed René Marion acquired a portion of land of 24 Arpents at Beau Songe in the District of Black River.

René Marion (son), together with his lawful wife, Orzelie Louis, sold the said portion of land to one Goody Ramdoss, as evidenced by TV 170 No. 54.

The said Goody Ramdoss then sold the plot of land of 24 Arpents to one K. Varathajaloo as evidenced by TV 216 No. 135. The said Varathajaloo resold the land to Goody Ramdoss by virtue of a transcription dated 2nd July 1896 as per TV 221 No. 240.

Furthermore, it has also been found that, through an outbidding made before the Master and Registrar at that time of the Supreme Court made by one Sudar Saib, who acquired the land on 18th January 1901. Prior to that, a sale by licitation was entered before the Supreme Court against the Widow of Goody Ramdoss, one Lutchmee David at the request of the Curator of Vacant Estates as evidenced by TJ 194 No. 40.

Later, the said Sudar Saib sold the land in two portions each of ½ undivided rights to one Frederic Langlois and A de Senneville.

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#### Reference 684 - 0.01% Coverage

Truth and Justice Commission 155

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Searches also revealed that the said portion of land of 24 Arpents actually belongs to one Leon Mamet who acquired the land on 26th May 1904 from Langlois and on 27th March 1903 from de Senneville as evidenced by TV 256 No. 69 and TV 250 No. 498.

As regards the case at the District Court against Médine Sugar Estate, the applicant apparently lost the case and the estate pulled down the house and appropriated the land. There is not enough data in file to apprise the issue in Court was and what the judgement was. A full copy of the proceipe and the record of the judgement could have been helpful but no copy of the judgement was available at the Bambous District Court.

The Commission has been made

#### Reference 685 - 0.01% Coverage

L/0015/Clency Harmon & others



Clency Harmon has submitted three land cases to the Commission. The Commission devoted the entire session of the 20th November 2009 to case No. 2, concerning land of Frederic Bonnefin at Cancaval, a region of Curepipe.

NATURE OF CLAIM: • Misappropriation of a plot of land of 156 Arpents, according to title deeds (but of 277 Arpents according to deponent) belonging to the heirs and succession of Frederic Bonnefin, by Médine Sugar Estate, following acquisition of Réunion Sugar Estate by Médine Sugar Estate.

• Depletion of the Bonnefin heritage by the sale of part of their land, by Medine Sugar Estate, to the 'Compagnie River-Land', for the development of a morcellement

SUBMISSION OF DOCUMENTS: During the

#### Reference 686 - 0.01% Coverage

documents pertaining to the case.

CONTENTION OF CLAIMANTS C. Harmon, assisted by Stéphane Gurbhoo, deposed as one of the heirs and succession of Frederic Bonnefin who died intestate on 23rd April 1881. During his lifetime, the said Frederic Bonnefin acquired the undivided rights of various co-owners in a plot of land of 156 Arpents at Cancaval Curepipe, as per sales documents: • Title deed dated 23rd July 1872 and bearing Registration TV 108/82. • Title deed dated 8th November 1872 bearing registration TV 108/345.

C. Harmon averred that after tedious and elaborated search, it has been proved that the land is of acreage of 277 Arpents.

The heirs of late Frederic Bonnefin became aware of the heritage when they learnt one day that one heir, namely Pierre Claude Bonnefin, intended to dispose of the land after having an affidavit sworn, declaring him as sole heir of Frederic Bonnefin. From then on, all the heirs have initiated legal actions against him and have succeeded to recover the land.

Unfortunately, they learnt that years ago, the Reunion Sugar Estate had annexed their land to its domain land and had afterwards sold the property to Médine Sugar Estate.

Around year 1996, all heirs joined forces and started legal action to recover their property. They compiled a list of all the heirs, swore an affidavit and drew a family tree. They could not go further as they were denied access to their land by Médine Sugar Estate

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#### Reference 687 - 0.01% Coverage

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They also learned that Médine had excised a plot of land and was planning to sell part of their land to the Company River-Land for a morcellement. Despite their protest to the Morcellement Board, there had been no investigation or initiative to stop the Land developers from going ahead with their project. In 2007 the 'Compagnie River-Land' had already proceeded with the sales of many lots of land.

Harmon has submitted various documents and particularly plans to prove that the land at Cancaval belong to the Bonnefin. At the hearing, the Chairperson proposed that the Commission examined the case more in-depth and came with a synthesis and the way forward.

The Commission had carried in

#### Reference 688 - 0.01% Coverage

July and 17th August 2011.

At the hearing of 17th August 2011, Dany Giraud the CEO, maintained that the land the Médine Sugar Estate had purchased belonged to the former Reunion Sugar Estate and was a regular acquisition. He was requested by the Commission to submit the title deeds and survey plans that could help to identify and locate the land disputed by the Bonnefin. Though hesitant at first, Mr. Giraud agreed to submit the relevant title deeds and survey plan drawn by Land Surveyor Raffray.

The Commission has examined and perused the various documents, particularly the survey plans drawn by Raffray and Florent for Médine Sugar Estate. The Commission is of opinion that the plot of land of 167 Arpents transcribed in Volume TV 1258 No. 12 that Médine identified as being their land and that of 156 Arpents, claimed by the Bonnefin are two different entities. There are clear indications in the documents submitted by Médine Sugar Estate, that the land of 167 Arpents is situated on the Western side of River Tatamaka and is not bounded by the Chemin Berthaud. On the other hand, the land identified by the Bonnefin is the only plot located on the Eastern side of River Tatamaka and is bounded by the Chemin Berthaud. Furthermore the two other sides are bounded by Tolbig on the North and M. Burguez on the South as described in their title deeds.

The Commission is in presence

#### Reference 689 - 0.01% Coverage

the heirs of Frederic Bonnefin:

- The Land of Médine is of 167 Arpents and is registered in TV 1258 No.12 as mentioned in an affidavit sworn by Land surveyor, K. Dwarka, before the Master of the Supreme Court.
- The land of heirs Bonnefin is of 156 Arpents and registered in TV 108/82 dated 23rd July 1872 and TV 106/45 dated 08th October 1872.
- The land of Médine, according to description from title deed, is located on the western part of River Tatamaka.
- Land belonging to Médine Sugar Estate has no frontage on the Chemin Berthaud. • The land of the Bonnefin has the main frontage on the Chemin Berthaud

The Commission, after having examined

#### Reference 690 - 0.01% Coverage

was the owner of: 1.

5 Arpents 25 of land at Grand Gaube Truth and Justice Commission 157

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2. 3.

About 3 Arpents

#### Reference 691 - 0.01% Coverage

15 Arpents 57 at Moka.

The applicant says that his father has always talked about a plot of land of approximately 5 Arpents 25P, owned by his grandmother in Grand Gaube. Grandmother passed away when the father was 5 years old. The family ignored then where the land was exactly located.

Steve Celine did some searches and through documents he could locate the land at Grand Gaube. At present, the land is occupied by squatters and about 30 houses have been constructed without any contract. The applicant ignores whether land has been prescribed by occupiers. There are 2 plots of land which are still bare. The family would like to get back the land.

He furthermore adds that the family also owned a plot of land of 15 Arpents at Allée Brillant, Vacoas. Part of the land has been sold by Daniel Martin, the son of Jean Marie Martin. The applicant thinks that only 12 Arpents have been sold. Another plot of land of an extent of 15 Arpents 57 at Moka constituted the heritage left by Jean Marie Martin.

Searches at the Registrar General's office have revealed that the name Jean Marie Martin does not exist in the index book kept by the Conservator of Mortgages. The plots of land claimed by the applicant are untraceable.

\*\*\*\*\* CASE NAME: MARISON TJC/L

#### Reference 692 - 0.01% Coverage

85 MARISON Anne Marie Louise

The applicants, Bernard and Richard Hoseny, aver that they are heirs of Désiré Marison who married a Malagasy Princess. Désiré Marison and who they aver, purchased a plot of land of 151 Arpents in 1839 in Henrietta, Vacoas. He sold several plots of land during period 27th September 1847 to 1st October 1854. Following research, it appears that Widow Désiré

#### Reference 693 - 0.01% Coverage

Désiré Marison made a "testament

olographe" (NA 87/10 No. 1243) whereby she gave all her property (land & chattel) situated in Vacoas to one Robert de Chazal. She gave to Magère Marison, brother of her late husband, a plot of land of extent of 4 Arpents extracted from the land which has been given to Robert de Chazal. As the Marison at that time were illiterate, the heirs thought that there might have been another will made by Robert de Chazal in favour of the heirs Marison being given that, at the death of Robert de Chazal, there has been a deposit of sale of land under private signature by one of the owners before actual owner, Médine Sugar Estate.

They request the Commission to

#### Reference 694 - 0.01% Coverage

Truth and Justice Commission 158

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: JOLICOEUR TJC/L/0018/VF/JOLICOEUR PIERRE EDOUARD & others The applicant, Pierre Edouard Jolicoeur put two claims before the Commission.

Case I The applicant writes

#### Reference 695 - 0.01% Coverage

Jolicoeur, owner of two neighboring

portions of land of respectively 5 and 4 Arpents in Piton and Rivière-du-Rempart. The two portions have been prescribed by Marie Jeanne Victoire and Sylvie Victoire. They are together of an extent of 1 Arpent. The 8 remaining Arpents have been occupied by the Government who has built a Citizens' Advice Bureau, a "Maison des Jeunes", a Swimming Pool, and a Dispensary.

Case 2 The applicant adds that the Jolicoeur family owns a plot of land of 2 Arpents at Terre Rouge, Pamplémousses.

On 7th October 2009, Pierre

#### Reference 696 - 0.01% Coverage

Jolicoeur on a plot of land of extent of 631.65m<sup>2</sup> at Royal Road, Rivière-du-Rempart. The Magistrate observed that

#### Reference 697 - 0.01% Coverage

at Royal Road, Rivière-du-

In both cases, Pierre Edouard Jolicoeur did appeal against the two judgements which debarred him from the said property. Therefore, as the matter stands, the applicant cannot have any claim to the said portion of land.

Further searches, undertaken by the Commission on the "Case Hypothécaire" of Jean Louis Jolicoeur and Jean Louis Casimir, reveal that plots of land belonging to the Jolicoeur have all been sold out during the period 1850-1889.

There is also a claim from Pierre Edouard Jolicoeur to the effect that his ancestor has 2 portions of land respectively 5 and 4 Arpents in Piton and Rivière-du-Rempart and that these plots of land are now occupied by Rivière-du-Rempart Citizen Advice Bureau, Maison des Jeunes, Swimming Pool, and Dispensary.

Searches have revealed that according to "Répertoire" 91 No. 367, Delphine Jolicoeur was the owner of a plot of land of the extent of 9 Arpents at Piton as evidenced by Title deed 21 No. 102, dated 29th September 1924. The plot of land is not found in Rivière-du-Rempart as the applicant claimed but in Pamplémousses. As to this property belonging to the said Delphine Jolicoeur, the applicant does have a claim as per the affidavit of succession.

\*\*\*\*\* Truth and Justice Commission 159

#### Reference 698 - 0.01% Coverage

Truth and Justice Commission 159

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ROOPSING TJC/L/0019/ROOPSING SARDANAND and others

Sardanand Roopsing, the applicant, avers that his father, Mohun Roopsing, has inherited from his father, Nepaul Roopsing, 2 plots of land of 69 ½ perches and 1 Arpent 42 perches respectively at Roches Noires, Rivière-du-Rempart. When the property of his father was shared among the heirs, both he and his brother, sole heirs of applicant's grandfather, forgot to include this plot of land in their will. At Registrar General's Office, the land is still in grandfather's name.

The Roopsing family asks the Commission to locate and get their land back.

Searches carried out at the Registrar General's office revealed that the relevant plots of land have already been sold by the applicant's father, the late Mohun Roopsing, to Minors Ayoob Khedarun and Moosah Khedarun in virtue of Title deed transcribed in Volume 397 No. 283.

\*\*\*\*\* CASE NAME: DUMAZEL TJC/L

#### Reference 699 - 0.01% Coverage

0020/ DUMAZEL MIRELLA AND OTHERS

Mirella Dumazel and other members of the family, having requested the help of the Commission to retrieve important documents from a "Récupérateur des Terres" (commonly known as agent) were called at the Commission on 13th October 2010. Other representatives of the family were also heard by the Commission. The applicant avers that Jean François Dumazel, married to a slave, received a portion of land as "concession" of an extent of 27 Arpents situated at Balaclava, Pointe-auxPiments. The plot of land is still there planted with trees.

The family hired the services

#### Reference 700 - 0.01% Coverage

hired the services of a

"Récupérateur des Terres" who has been keeping all Documents with him in spite of numerous requests to return back the Documents. The family was desperately looking for assistance to inquire into the land. They request that the Commission should undertake searches to get back this plot of land which they believe still belongs to them.

The family had difficulties in

#### Reference 701 - 0.01% Coverage

approximate possible years were given.

There are two problems regarding this application. Firstly, there is no birth certificate for Jean Mélidor Dumazel nor is there a birth certificate for Jean Francois Dumazel. Secondly, the family hired the services of a so-called "land-searcher", one Alfred Sing Fat, of 65 Vacoas Road, Vacoas and they claim that Sing Fat has many of their documents, and despite numerous requests they have not been able to get these documents back. The family signed an official agreement to pay Sing Fat 40% of the value of the land. No money changed hands.

The Commission called Sing Fat

#### Reference 702 - 0.01% Coverage

Commission on the 18th August

2010. He flatly denied the allegations made by the Dumazel family, but acknowledged that he would be paid 40% of the value of the land after retrieval and stated that he was conducting the search entirely from his own resources.

He agreed to return all

#### Reference 703 - 0.01% Coverage

Truth and Justice Commission 160

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The following week, Sing Fat

#### Reference 704 - 0.01% Coverage

Sing Fat were officially returned.

As for the claim of the Dumazel family over the land at Pointe-aux-Piments, the representative of Harel Frères, who might have taken possession of the plot of land was called before the Commission on Wednesday 17th August 2011.

The Commission has also found out that late Jean François Dumazel was indeed the owner of a plot of land at Pointe-aux-Piments, Balacava, of an extent of 27 Arpents 25 perches as evidenced by the "Concession Book" LC/18/50 and LC/20/8 registered at the Mauritius Archives.

However, the "Case hypothécaire" 71 No. 153 reveals that Jean Mélidor Dumazel sold (a) undivided rights in 14 Arpents 50 perches at Pamplémousses and (b) 3 Arpents to Northern Sugar Estates and (c) another portion of land at Rivière Citron.

The plot of land of an extent of 27 Arpents 25 perches belongs to the "Société Arjoon Sewraz" in virtue of title deed TV 1196 No. 186 dated 1st December 1972.

Following searches and the hearing of Land surveyor Bernard Desvaux de Marigny, "Terrain Dumazel" and "Terrain Cauvin" as indicated on a Survey plan drawn up by André Aliphon on 28th September 1973, which is of an extent of 14 Arpents 50 and 11 Arpents 89 respectively, were parcelled out in 1976 by "Noel Real Estate Company Limited" in several lots as "Morcellement Baie –Aux-Tortues"

Adjacent to "Terrain Dumazel" and "Terrain Cauvin" is "Terrain Rioux" which is of an extent of 26 Arpents 50, which plot of land has been parceled out into 26 lots by Arjoon Sewraz.

Another plot, "Terrain Rioux", of

#### Reference 705 - 0.01% Coverage

parceled out into 78 lots.

These 3 "Terrains" were found by Land surveyor M.B.Dwarka to be of an extent of 89 Arpents 43 in his Survey report dated 10th September 1969 and belong jointly to Arjoon and Dhaneswock Sewraz as per TV 1110 No. 21 (DK 48 No. 68)

"Terrain Dumazel" and "Terrain Cauvin" do not form part of the surplus of land of extent of 1052 Arpents belonging to Harel Frères Limited.

\*\*\*\*\* CASE NAME: JOB/DACRUZ TJC

#### Reference 706 - 0.01% Coverage

NANETTE MARIE THERESE GISELE & others

Marie Thérèse Gisèle Nanette avers that Pierre Job, her great grandfather, purchased a plot of land of 4 Arpents at Plaine Saint Pierre, Bambous. His sons Ernest & Charles Job, inherited from their father, the remaining plot of land, that is,  $2\frac{3}{4}$  Arpents; (1 Arpent &  $\frac{1}{4}$  Arpent having been sold in 1859). After their

death, Jacques Simon Dacruz, the applicant's brother, and grandson of Ernest Job, occupied the land and cultivated it.

The applicant declares that their uncle gave to Henri Cornelius Topize part of the land for cultivation. According to affidavit sworn in by Jacques Simon Dacruz on 25th April 1991, Henri Cornelius Topize is not an heir of the Job family. Marie Bernadette Aimée, the concubine of Henri Cornelius Topize, made an affidavit and prescribed the land on her name. The heirs became aware of the prescription much later. Jacques Simon Dacruz, brother of the applicant, in the name of the heirs, entered a case in Court to cancel the prescription. On the death of Jacques Simon Dacruz, the Court case was struck off.

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#### Reference 707 - 0.01% Coverage

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The applicant requests the help of the Commission to cancel the prescription and get back the land of their grandfather.

Thérèse Gisèle Nanette, born Dacruz

#### Reference 708 - 0.01% Coverage

the Commission, it appears that:

- On 26th April 1991, Jacques Marie Simon Dacruz and 7 others, as heirs of the late Pierre Job, applied for and obtained an Interim Order in the nature of an Injunction restraining and prohibiting Marie Bernadette Aimée from charging, mortgaging or selling the portion of land of 9860 square metres situated at Plaine Saint Pierre, Bambous, which she had prescribed.
- Marie Bernadette Aimée and her

#### Reference 709 - 0.01% Coverage

as there were seven applicants.

In the affidavit in support of their application for Writ, the applicant stated that they will enter a main case before the Supreme Court praying for a judgement, declaring that the prescription made by Marie Bernadette Aimée of the portion of land of 2 Arpents 33 perches or 9860 square metres be declared null and void.

In spite of attempts made

#### Reference 710 - 0.01% Coverage

0022/MOHUN MARINA FLORISE & MILENA

Jean Ricardo Power, the applicant, claims that his family has been living on a plot of land of 50 toises at Cremation Road, Tranquebar since 1930, that is, for 5 generations and that the family has been asked by Arya Sabha to leave the place. He states that the land does not belong to the family but to Arya Sabha. The family has been paying a rental fee to occupy the land. At present the family is quite at a loss.

They request the Commission to

#### Reference 711 - 0.01% Coverage

The transcript is on file.

The Power family has the impression that the land belongs to the Government and the Arya Sabha is a lessee of the Government and Gawtam, the owner of the mechanical workshop is a sub-lessee.

Following the hearing session, a letter was sent on 27th November 2009 to the Ministry of Housing and Lands to enquire about the lease held by Arya Sabha from the Government and to know whether the Arya Sabha has the right to sublet part of the land to one Gawtam for the operation of a garage. A 'reminder' was even sent to the Ministry on 14th July 2011.

Furthermore, searches undertaken by the Commission revealed that the land mentioned is of an extent of 11 hectares belong to Arya Sabha (Mauritius) formerly known as Arya Pratinidhi

#### Reference 712 - 0.01% Coverage

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evidenced by TV 446 No. 359 ("Premier titre") and part of it has been leased to Garage Gawtam. Gawtam, as tenant, is operating a mechanical workshop on part of the land.

There is no legal document

#### Reference 713 - 0.01% Coverage

legal document concerning their occupation.

In view of the fact that the applicant and his ancestors have continuously occupied the land over a period of 80 years, the applicant has been advised to contact Arya Sabha Mauritius to see the possibility of getting a lease of the land on certain agreed terms and conditions.

\*\*\*\*\* CASE NAME: ISABELLE TJC/ L

#### Reference 714 - 0.01% Coverage

L/0023/ISABELLE MICHEL ROGER

The mother of Michel Roger Isabelle has been looking for Documents regarding the plots of land belonging to his family (Isabelle & Labonté) in Vieux Grand Port, Flacq, Le Morne and Curepipe. He finds it difficult to obtain those documents as he is at loss where to go. Applicant says that it is easier to obtain birth, marriage, death certificates.

After searches carried out by the Commission through the "Répertoire des formalités hypothécaires", it has been found that Isabelle Fanchin ("Répertoire" 91 No. 412) had a plot of land of an extent of ¼ Arpent at Eau Coulée. The land has been sold to N. Chinathon for the price of Rs. 300 on 27th September 1904 as per TV 257 No. 318. The Répertoire 134 No. 44 of Elysée Labonté reveals that the plot of land of extent of 177p, 4p, and the 8p at Vallée-des-Prêtres have been sold to Assop Ahin for the price of Rs. 600 as per TV 174 No. 441.



The Commission concludes that after the sale of the abovementioned land, Isabelle Fanchin or Elysée Labonté has no land in their name.

\*\*\*\*\* CASE NAME: LABONTE TJC/ L

#### Reference 715 - 0.01% Coverage

0160/LAVIOLETTE Batour Marie Renée

Clency Laviolette and others claim ownership of 160 Arpents of land at Le Morne Brabant which they should have inherited from Joseph David Laviolette, their ancestor, but dispossessed through what the Laviolette family considers to have been illegally registered sale transactions as from 1899. He claims that his ancestor, Jean Baptiste Labonté, was the first owner of a plot of 210 Arpents in Le Morne Brabant. At his ancestor's death, his son David Labonté bought the land from all the heirs. The land has never been sold to either Joseph Keisler or Le Morne Brabant. The official Documents of sale of 210 Arpents refer to le Morne and not to Rivière Noire. All sale transactions right as from 1899 regarding this plot are illegal. This plot (160 Arpents) was surveyed by Land surveyor, Ramiah on behalf Le Morne Brabant Co Ltd recently is declared to be a surplus described in the title deed of David Labonté as per Volume 577 No. 48.

The Laviolette requests the Commission

#### Reference 716 - 0.01% Coverage

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Searches made by the Commission reveal that the official records confirm the sale of the 210 Arpents by Antony and Arthur Labonté for the sum of Rs. 4676 to Joseph Keisler on 26th December 1899. In the contract, it is mentioned "au quartier de la Rivière Noire, lieu dit Le Morne" which defines Le Morne as a locality in Rivière Noire. The contract also mentions a lease of "Pas Géométriques" in front of the plot of land but does not mention its area.

All official legal documents confirm

#### Reference 717 - 0.01% Coverage

141 and relevant duty paid.

Further searches reveal also that this case is related to all the land claims in the region comprising of Le Morne, Coteau Raffin, pertaining to the Spéville/Choolun, Louis Chérubin (Karl) Lamarque and Labonté cases involving the Société Morne Brabant, Société Le Petit Morne and West Horizons Ltd, formerly Tatorio (Holdings) Mauritius Limited.

The Labonté, is a Malagasy free family that came to Mauritius and was established in Le Morne as fishermen. Their history is documented in works of missionaries. The current descendants are Laviolette family. The family lost their land, then David Labonté died leaving only minors as heirs and under a tutor who proceeded to sell most of the land.

Part of the land was sold to Keisler (ancestor of the Cambier family) who sold the said land to his heirs (Société Le Morne Brabant) who, in turn, sold it to Le Petit Morne - all members of the same family Keisler, Cambier, Desveaux de Marigny and Giraud.

However, there is still an unexplained 20 arpents of land or so which was left and somehow ended as part of Keisler/Société Le Morne Barbant/Petit Morne) and now being sold to Corniche Bay and now to West Horizons Limited. Part of the same land was sold to Government for the current public road.

This case needs to be taken up and further researched by the Land Research and Monitoring Unit, when set up. Presently, the Labonté/La violette family cannot afford a full independent survey nor pay legal and research fees.

The Commission is of opinion

#### Reference 718 - 0.01% Coverage

0025/ MALGACHE MYLENE born MIGUEL

Mylène Malgache, the applicant, says that she has been made aware of land belonging to the Miguel family through a list of registered number of documents. She does not have the Documents; she wants the assistance of the Commission in the search of the official documents in order to get hold of the land.

Though no documents or title

#### Reference 719 - 0.01% Coverage

information to prove the claim.

In fact, "Répertoires" 136 No. 435 and 261 No. 579 revealed that Lucia Miguel did exist and had several plots of land and properties which were sold namely:

- 1 ¼ Arpents at Flacq to WW Hardy as evidenced by TV 177 No. 104 dated 4th July 1887 and
- Two plots of land at Poudre d'Or on the same day:

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#### Reference 720 - 0.01% Coverage

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- 25 perches at Poudre D'Or

#### Reference 721 - 0.01% Coverage

the same 29th November 1923

There is no land in the name of late Lucia Miguel. \*\*\*\*\*

CASE NAME: MALGACHE TJC/ L

#### Reference 722 - 0.01% Coverage

L/0026/VF/ MALGACHE IVANHOË

According to the documents submitted by applicant, the Malgache family possessed or leased out several plots of land at Le Morne Brabant. These plots of land are now in the possession of other people.

Moreover, the applicant who also claims to be one of the heirs declares that he has been made aware that other plots of land belong to his family in Port Louis, Chamarel and Rodrigues. He wants the Commission to assist in retracing these lands, the documents, the services of a Surveyor, as well as that of a Notary. Some documents have been submitted in support of the above claim, but only one copy of a title deed dated 1885 submitted has been valuable.

Searches carried out at the

#### Reference 723 - 0.01% Coverage

of unknown, linear dimensions unknown.

land, the extent of which is not given, locality

- Folio 2, 3 and 5

#### Reference 724 - 0.01% Coverage

were lessees of the Government.

- Folio 4 is a Survey report drawn up by Sworn Land surveyor Joseph Pastourel de Pastouret indicating that Louis Malgache has acquired in 1863 from the wife of Jean Pierre Godin a plot of land at Rose Belle of an extent of 37 ½ perches. No survey plan of the site is annexed.

- Folio 6 is a survey Report drawn up by Sworn Land surveyor Edgar Merle dated 23rd July 1918 for a plot of land referred to as third portion situated at La Louise, Quatre-Bornes of an extent of 74 ¾ perches which Joseph René intends to acquire from heirs Victoire Malgache. No title deed is given.

In the absence of more precise information and land data, the case of the Malgache family is very doubtful. In so far as the Crown land lease at Le Morne is concerned it was for a period of 10 years which expired on 3rd July 1887.

\*\*\*\*\* Truth and Justice Commission 165

#### Reference 725 - 0.01% Coverage

Truth and Justice Commission 165

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: NAURIS TJC/L/0027/  
RAM NAURIS OOMESH SURAJ

Ram Nauris arrived in Mauritius from India as passenger no 349/08 on 17th July 1908. When he died on 06th November 1968, he left to his heirs (wife of his son deceased and grandsons) a plot of land of 12 ½ perches. Following the death of Ram Nauris and after the affidavit has been sworn in, an enquiry was made into the plot of land left by Ram Nauris. The heirs found that a plot of land of 50 Arpents situated at Belle Rive, Kawal Nagar belonged to their grandfather. They started procedures to obtain documents: Land Contract, Title Deed, and "Papier de Vente". The land was bought from Jean Elysée Laverdure who obtained the land from legal prescription. They hired the services of a Land Surveyor to have a site plan. The Land Surveyor requested police assistance to enable him to carry on the survey. The exercise failed as there was 'intimidation' from the present occupiers (Press Notice 28/10/1988). In fact, the family had obtained unofficial information that Deep River Beau Champ is now occupying the land illegally and it is being leased to small planters (système métayage).

At a meeting at the Commission on 13th October 2009, O. Suraj Ram Nauris, confirmed that there is no Court action on this land.

## An analysis of the issue

### Reference 726 - 0.01% Coverage

recorded at "Répertoire" 227/392.

In the light of the above non-payment, the land is still mortgaged in favour of Jean Elysée Laverdure. The claim of the heirs of Ram Nauris having a plot land at Belle Rive, Kewal Nagar still belongs to them as the land has been left waste, as confirmed by the applicant himself.

At a meeting at the Commission on the 10th March 2011, the applicant has been informed that the land is at present waste; Deep River Beau Camp Sugar Estate who had sugar cane plantation thereon has not been up keeping the cane. The applicant has been advised to call at the SIFB office and to retain the services of a Land surveyor to identify the land and to start occupying the land if possible.

\*\*\*\*\* CASE NAME: BERTHELOT TJC/L

### Reference 727 - 0.01% Coverage

TJC/L/0030/PATIENT FRANÇOIS

The applicants, François Patient and José d'Albert (the latter being the legal representative ("mandataire legal") of George Berthelot (the latter being in France), aver that Jean Charles Berthelot and Eugène Berthelot sold a plot of land of 13 Arpents at Hermitage, Rivière-du-Rempart to "2 Indiens": Sujee No. 10759 and Awotarsing No. 4881 on 9th March 1875, as evidenced by a document submitted to the Commission. In 1876, there was a 'rétrocession' of the land by the "2 Indiens" to Jean Charles Berthelot, Eugène Berthelot, Ernest Berthelot and Elysée Berthelot. On the site plan of 1823, the land is under the name of Azor Coacaud, "homme de couleur", the former owner.

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### Reference 728 - 0.01% Coverage

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As far as the applicants know from the elder members of the family, the Berthelot family lived on that land in 1876 but when they got married, they left. Some planters have been occupying the land, cultivating vegetables, sugarcane and tobacco. At present, 3 different families are occupying the land. Since 1961, the heirs have been trying to get back the land. In 2001, they paid for the services of an estate agency (Ariel Ltd.) but with no positive result. In 2005, they asked for the assistance of one Eric Pitchen and, again, there was no positive result. They asked a Land surveyor to survey the land but he refused.

The Patient family requests the Commission to assist the heirs to get back the land of 13 Arpents.

The Legal Adviser of the

### Reference 729 - 0.01% Coverage

married to François Patient. In

order to help the Land Fraud Squad to carry out an inquiry, it was urgent that Francois Xavier Patient submit an affidavit establishing the heirs and parties entitled to a share in the land of 13 Arpents situated at Rivière du Rempart.

F. Xavier Patient was married to late Elsie Daisy Legrand, who was herself the daughter of Angeline Berthelot, daughter of Ange Michel Berthelot, who was himself the son of the late Jean Charles Berthelot. Jean Charles Berthelot purchased the land together with his brothers:

• • •

Louis Eugene Berthelot ; Ernest Berthelot

#### Reference 730 - 0.01% Coverage

Ernest Berthelot ;

Pierre Elysée Berthelot.

After submission of the affidavit drawn with the help of the Legal Adviser of the Commission, same was submitted by both François Patient and José d'Albert to the Land Fraud Squad and made a statement as to the nature of their claim.

Letters were addressed to the Land Fraud Squad on 8th  
understand where matters stood in

#### Reference 731 - 0.01% Coverage

present case. Attention Inspector Nauthoo

Officer in Charge Land Fraud Squad Line Barracks Port-Louis

08/03/2011 Dear Sir

#### Reference 732 - 0.01% Coverage

08/03/2011 Dear Sir,

We refer to the letter dated 2nd June 2010 requesting you to enquire into the case reported by Mr. François Xavier Patient concerning a portion of land of 13 Arpents situated at Hermitage, Rivière du Rempart belonging to Jean Charles Berthelot as per deed transcribed in Vol 121 No 67.

The affidavit required to start

#### Reference 733 - 0.01% Coverage

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Thanking you, Yours Faithfully

B

#### Reference 734 - 0.01% Coverage

be communicated to your office.

f/ ACP (C) So the case is still being looked into by the Land Fraud Squad. \*\*\*\*\*  
CASE NAME: CAPIRON TJC/ L

#### Reference 735 - 0.01% Coverage

which he left for analysis.

Case 1 Ange Eloi Capiron has bought • from Shell Eastern and South African Telegraph and Co a plot of land of 16 Arpents 5 perches at Roche Bois;

- from mandataire d'Abbadie de Barreau a plot of land of 7A 53 perches

In 1995, the claimant, Jean

#### Reference 736 - 0.01% Coverage

at the end of 1950.

A deed of sale with United Basalt was made wherein is inscribed these notes: "risques et périls sans garantie".

About 2 ½ years ago, Capiron sued United Basalt who accepted that the land was not

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#### Reference 737 - 0.01% Coverage

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"en règle". Capiron's Attorney informed

#### Reference 738 - 0.01% Coverage

has been received from them.

On the 1st July 2003, Capiron reported the case to ICAC. After one year, ICAC answered back that the complaint is "beyond their purview". A case was referred to the Land Fraud Squad in 2004. No answer has been received from them yet.

Ange Eloi Capiron requests the Commission to look into the case so that the family may get back the land which they consider to be their property.

Case 2 Widow Clément Julie sold a plot of land of 400 toises to Emile Capiron at Royal Road, Beau-Bassin. One Marie Capiron, in turn, sold the land to one Hurhangee. According to affidavit established on 19th January 2005, Marie Capiron is not considered as an heiress. However, a will was made "à domicile" by Widow Eloi Capiron (wife of Ange Capiron, nephew of Emile Capiron) on the eve of her death in favour of her niece Marie Capiron.

Jean Eloi Capiron is contesting this sale of land.

Marie Capiron has sold another plot of land to her cousin Fernand Capiron. Jean Eloi Capiron is contesting this sale.

Case 3 Another case has been entered in Court by Jean Eloi Capiron against the wife of one Antoine Capiron for illegal possession of land at Beau Bassin.

Case 4 Henri Vignes sold to Léonel Capiron and his wife two plots of land situated at Mozambique Street and Entre-casteaux Street Port Louis. Léonel in his will left all his assets to his wife Anna Beatrice Rebecca

Vignes. Anna Rebecca Vignes made a will in favour of the wife of Ange Eloi Capiron (born Vignes). She made a will in September 1953 in favour of Louise Vignes. Louise Vignes sold the land in 1929 according to deed of sale dated 22nd March 1929. The applicant is questioning the date of sale of the land (1929), which according to the date of the will made in favour of Louise Vignes, that is 1953, should normally be her property in 1953.

The applicant requests the Commission

#### Reference 739 - 0.01% Coverage

in the presence of his

land team and, in the presence of a Commissioner Jacques David, had a son-in-law, Stephan Clain on 23rd From further information from applicant it appears that: • The land of 400 Toises situated at Beau-Bassin belonged to the late Anna Rebecca Vignes and bequeathed to Marie Lucie Lise Vignes, the wife of Ange Eloi Capiron.

• The land of 94 Toises situated at Beau-Bassin belonged to the late Marie Lucie Lise Vignes, the widow of Ange Eloi Capiron.

• Marie Lucie Lise Vignes had

#### Reference 740 - 0.01% Coverage

registered on 29th October 1969.

• Consequently, Marie Lucie Lise became the owner of the two plots of land of 400 toises and 94 Toises.

• One Marie Thérèse Isabelle Capiron

#### Reference 741 - 0.01% Coverage

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• One Marie Joséphine Capiron also

#### Reference 742 - 0.01% Coverage

to this very important question.

The Commission verified the files which reveal that indeed: • Marie Joséphine Capiron sold the land of 400 toises to one Dr. Hurhangee and Lajputh Beeharry, as evidenced by TV 180/4188. Marie Joséphine Capiron passed away in 2000.

• The land of 94 toises has also been sold by the heirs. • Marie Thérèse Isabelle Capiron also passed away in 1995.

• There are two groups of

#### Reference 743 - 0.01% Coverage

concise report of his complaints.

Case 1 The applicant has retained the services of Attorney A.K. Jugnauth and Counsel Balluck to enter three cases before the Supreme Court concerning the plot of land of 16 Arpents and 5perches situated at Roche Bois.

On the 29th July 2010

#### Reference 744 - 0.01% Coverage

cannot entertain this particular claim.

Case 2 According to a deed drawn up by and before the J.M Joson, Notary public dated 8th April 1988 and 24th June 1988 and transcribed in TV 1804/88 Joséphine Marie Capiron sold the plot of land of 400 toises situated at Royal Road Beau Bassin to J.Hurangee and Lajputh Beeharry. In the "titre de propriété", it is stated that the land was bequeathed to her by Marie Lucie Lise Vignes, the wife of Ange Eloi Capiron in virtue of a "Last Will" and testament dated 7th September 1964 registered in Register B113 No 745 and transcribed in Volume 960/13.

The land is actually occupied by Hurrangee and Samlo Industry.

Jean Eloi Hervey Capiron is

#### Reference 745 - 0.01% Coverage

and, Marie Thérèse Yolande Capiron.

Case 3 The land of 94 toises at No 4 Gustave Bestel Street, Beau – Bassin belonged to Marie Lucie Lise Vignes, wife of Ange Eloi Capiron as per deed transcribed in TV 362 No. 95. As per deed transcribed in TV 1198 No. 25, Marie Capiron bestowed the land to her cousin, François Fernand Capiron

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#### Reference 746 - 0.01% Coverage

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following a will and testament dated 29th October 1769 and transcribed in Registered B115 No. 1926. Following the contention of the applicant, the said François Fernand Capiron pulled down the building. The land is waste and unoccupied.

The applicant has been advised to start occupying the land as he is one of the heirs of Marie Lucie Lise Vignes.

Case 4 According to applicant, the land situated at Mozambique and D'Entrecasteaux Streets, Port Louis has been sold by Ange Eloi Capiron and his wife and Louis Léonel Capiron and his wife to one Hossen on 2nd March 1929 by a deed drawn up by Gaston Jarré, Notary public.

The applicant avers that this

#### Reference 747 - 0.01% Coverage

not registered as Notary public.



Case 5 Ange Eloi Capiron purchased several portions of land of an extent of approximately 74 Arpents 53 P from the Agent and Proxy of Gaston d'Abbadie de Barrau as evidenced by a deed drawn up by Henry Elysée Doger de Spéville, Notary public and transcribed in Register C151 No. 1961.

It appears that according to a deed drawn up by and before Henri Latham Koenig, Notary public dated 23rd November 1943 and transcribed in TV 480 No. 79, Ange Eloi Capiron sold the several portions of land to one Chan Pong and one Wing Fo Chan Kum.

According to the applicant, there

#### Reference 748 - 0.01% Coverage

3 requests to the Commission:

Case 1 • To seek assistance to know why she does not have the right to a family land of an extent of 12perches at Mapou (TV 1206 No. 180 dated 13th March 1973).

Case 2 • To assist her to get back a plot of land of an extent of 2 Acres (being a prescription) situate at Point- aux- Piments (TV 322 No. 238 dated 3rd September 1917), and

Case 3 • To assist her to get back a plot of land of an extent of 3 Acres at Pamplémousses (TV 46 No.183) 22nd October 1846.

Case 1 "Compagnie du Mapou Ltd" sold in 1920 a plot of land of 12 perches in "lieu dit 'Mapou" Rivière du Rempart to Augustin Gâteau.

Marie Lourdes Roméo, having undertaken some searches, has found that this plot of land has not been transcribed nor sold. She has seen the land which is at present bare. She has contacted a legal person to sell the land and she has been told that she does not have the right to sell it but only to

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#### Reference 749 - 0.01% Coverage

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occupy it. She wants the assistance of the Commission to better understand why she does not have the right on the land which she considers is for the family. She wants to get back the land.

Case 2 A plot of land of 2 acres situated at Pointe- aux- Piments, Pamplémousses has been given to Polidor Roméo, Jean Baptiste Roméo, Nemours Roméo, and Louis William Ayen. She is looking for the title deed of the land. Her family tree shows that she is linked to Nemours Romeo. She does not have any assistance to pursue research. She wants to get back the land.

Case 3 A plot of land of 3 A at Pamplémousses has been sold to Augustin Gâteau. No plan site is deposited. She is requesting the Commission to assist her to get back the land.

In support of her claim

#### Reference 750 - 0.01% Coverage

Agustin Gateau are not given.

No survey plans of the 3 above named cases are given and no "Constat" Report has ever been made by a Land surveyor. The sketch plan submitted has no bearing to the present case.

As regards Case 2, (being an affidavit of prescription dated 3rd April 1917), registered as TV 322 No. 238, the following persons have prescribed the land namely Polidor Roméo, Jean Baptiste Roméo, Nemours

Roméo, Nelzire Roméo (wife: Alice Lebon) and Marie Léa Romeo (wife of Epidariste Balthazar). As such these people have undivided rights in that property. At no place is the name of Augustin Gateau mentioned. In the light of the

#### Reference 751 - 0.01% Coverage

cannot proceed with her claim.

As regards claim no 2, her ancestors have no right whatsoever on the land of 2 Acres at Pointe-auxPiments. The land had been devolved to the heirs of these 5 persons.

\*\*\*\*\* CASE NAME: MOSAUFEE TJC/L

#### Reference 752 - 0.01% Coverage

L/0033/ MOSAUFEE ABDOOL KAYBAD

Abdool Kaybad Mosafee, the applicant, submitted two cases before the Commission. In the first case, he says that his grandfather Soleyman Mosafee, owned a plot of land at Pont Blanc, Flacq. The land belongs now to 4 heirs. The daughter of one heir is occupying the whole plot of land and

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#### Reference 753 - 0.01% Coverage

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forbids the other heirs to occupy the land. Applicant does not know if the land has been prescribed. He wants the land back to the respective heirs. In the second case, he avers that his father Abbass Mosafee purchased “les droits succesifs mobiliers et immobiliers” in the succession of Jussodeea Bedasseah and he cannot obtain his share as there are too many heirs.

The Commission analysed the request

#### Reference 754 - 0.01% Coverage

L/0034/ SOOBRATEE ABDOOL FAROUK

The applicant, Abdool Farouk Sobratee, explains that Jameerun Nunhuck married and died in 1956 without children. She had a plot of land of 1 Arpent 25 at the Vale, Rivière-du-Rempart. At her death, she gave 73 ½ perches to Ayoob Soobratee, father of applicant. The land is registered under the name of Ayoob Sobratee at the Sugar Insurance Board. At present, planters are illegally occupying the land. Research done has shown that there is no prescription, no acquisition of the land. ‘Jouissance’ of the land has been given to one Jumrathan Choonka until her death. The planters occupying the land at present have forbidden members of the Sobratee family to get on their land for surveying purposes. They have consulted a lawyer and the planters have been summoned to release the land. There is no reaction on the part of the planters up to now. The family wants to get the land back.

Searches carried out by the Commission at the office of the Conservator of Mortgages reveals that as per “Répertoire” 371 No. 470, Ayoob Sobrattee is the owner of a plot of land of 11 perches. Searches have also

revealed that there is no record of a plot of land of the extent of 1 Arpent 25 in the Vale region in the name of Ayoob Sobrattee or in that of Jameerun Nunhuck.

\*\*\*\*\* CASE NAME: DUSAUTY TJC/ L

#### Reference 755 - 0.01% Coverage

gave the surname of Dusauty.

Lolotte Dusauty bought a plot of land of 343 sq yards bordered by Mountain Street & Field Street, Western Suburb, Port Louis, from the British Government in 1863 for the sum of £ 34.6 shilling. She had a natural son, Edward Albert, declared by his father Eugène Coquet.

Heiress Gilberte Bernard, born Coquet is asking the assistance of the Commission to get back the land that she considers belongs to her. It is difficult for her to define the land as the names of the roads have changed. She fears that the land may have been prescribed.

The applicant is looking for

#### Reference 756 - 0.01% Coverage

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• Claiming a plot of land at Port-Louis field and Mountain streets; and also • Claiming ¼ undivided rights in a portion of land at Moka, Rivière Saint Martin.

According to TV 90 No. 123, Victorien Justine Dusauty who, the applicant thinks, is the brother or nephew of Lolotte Dusauty, daughter of Justine Dusauty – the age of Victorien Justine Dusauty not being indicated; yet, after searches undertaken by the Commission, they still own ¼ of 6 Arpent in Moka on Rivière Saint-Martin which at present is still in his "Case hypothécaire". A plan of the land is also available.

After searches undertaken, the applicant

#### Reference 757 - 0.01% Coverage

TJC/ L/0037/ BARRY JACQUES

Jacques Barry, the applicant, submitted 16 documents for plots of land having belonged to his ancestors islandwide and requests the Commission to help the heirs to get back the land which they consider to be theirs as these plots of lands are not sold according to him.

The Commission analyses all his

#### Reference 758 - 0.01% Coverage

to better understand the claims.

Louis Marcellin Etienne Barry and his brother Joseph Barry bought on 27th May 1815 a plot of land of 500 Arpents at Baie du Cap and other plots of land at Flacq. Since 1958, the family made procedures to try to get these lands back but it is quite impossible. In the "Case hypothécaire", the land belonging to Marcellin and Joseph Barry have not been sold. Before 1939, Joseph Caboche was the owner of the Beaubois estate under sugarcane cultivation, neighbouring the land of Marcellin and Joseph Barry

also under sugarcane cultivation. As from 1939, plots of the land 'numérotés' (identified by numbers) are being sold. Since then, the neighbouring lands cannot be identified. At present, Constance and Fuel estates are the owners of Beaubois and others.

Analysis of the copy of

#### Reference 759 - 0.01% Coverage

in half undivided rights each.

For History, it can be recalled that, according to title deed dated 13th July 1815 and transcribed in Volume 9 No. 51, Etienne Barry and Edouard Barry acquired a plot of land of 500 Arpents at "Rivière du Cap" in the District of Black River from Françoise Louise Frichot in consideration of the price of "6 000 piastres

#### Reference 760 - 0.01% Coverage

Colomb D'Ecolay and Joséphine Antoinette

Linormand. In the same deed, it is mentioned that Edouard Barry and his wife Adelaide Carosin sold their half undivided in that plot of land to Jean August Lemaire and his wife by a deed under private signatures.

Document 16, also being copy

#### Reference 761 - 0.01% Coverage

Truth and Justice Commission 174

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According to documents submitted and searches carried out at the Registrar General's Office, it is observed that the land at Grande Retraite of an aggregate extent of about 756 Arpents 58 ½ have all been sold, although no proper entry has been made in the "Répertoire".

Other plots of land have been bought 'à la barre' by Joseph Barry at Brisée Verdière, as evidenced by Documents 3-8: • 12 Arpents 75 perches, on 13th September 1826;

• 100 Arpents-at La Retraite

#### Reference 762 - 0.01% Coverage

Flacq on 11th August 1826.

It has been impossible for the heirs to get access to the plots of land, to the administrators of Constance-Fuel. The employees are unaware of the history of the lands and it is impossible to survey the plots of land. In conclusion, as per the advice of the Commission's Attorney, the remainder of the plot of 500 Arpents cannot be traced out at the Registrar General's Office, since most of the transaction at that time was carried out by deeds under private signatures and the records thereof being not registered are not available for public inspection. It is further observed that in view of the 70 inscriptions and charges burdening the land of the Barry family and in the absence of any survey/ constat/ investigation Report made by a Land surveyor, it may be assumed that the ancestors of Jacques Barry have no land still in their names.

However, according to searches, it appears that the land of 756 Arpents 58 ½ perches situated at Grand Retraite has already been sold although proper entry concerning the sale has not been made in "Répertoire".

The absence of entry of the above sales in the "Répertoire" of Etienne Barry and Edouard Barry, gives the impression that they are still owners of the land at Grand Retraite.

Moreover, it is to be

#### Reference 763 - 0.01% Coverage

with some documents, to the

Case 1 The applicant states that Jean Marie Chenel bought several plots of land at Rivière Françoise, Flacq (Document 1). In his will, he gave ½ of his assets to his sister, his nephews and niece Jean Pierre and Jeanne Françoise Diolle, children of Jeanne Villard married to one Diolle. Searches have been made to retrace assets of Jean Marie Chenel.

Jean Marie Chenel has given 78 Arpents to his sister Jeanne as "dot de mariage" to Villard. The land is shared among the 2 children Diolle. It is the neighboring land to Beaubois estate. According to the deed, Jean Pierre Diolle, owner of the land, died in 1915 leaving a daughter as heiress who married her cousin Jean Pierre d'Avrincourt. In the 'acte de vente" of the plot of land belonging to d'Avrincourt, it is said that the neighbour is Jean Pierre Diolle. Beaubois sold his estate in 1900. In this title deed, it is said that one of his neighbours is an 'héritier d'Avrincourt'.

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#### Reference 764 - 0.01% Coverage

Truth and Justice Commission 175

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Michel Gérard Bernard requests the Commission to assist him in getting back his land.

Case 2 The applicant avers that there exists another plot of land of an extent of ½ Arpent situated at Rivière Françoise which belonged to Pierre Aristide d'Avrincourt.

The Bernard family would like assistance from the Commission to get back the Beaubois estate as well as the land at Rivière Françoise, if there is no heir left.

Case 3 The applicant says that he was informed by an old lady of 109 years named Jean Louise that Notary Jeffroy gave to the grandfather, Louis Elisé Bernard, a plot of land near la Tour Koenig. On this plot of land there was a little tower which has been destroyed. He went to visit this plot of land when he was 19 years old and he was threatened by those who occupied the land. He adds that no Document is available in the family as his aunt threw away all the papers, thinking that the land had been sold. He wants the assistance of the Commission to find the Notary's deeds.

Case 4 Furthermore, Michel Gérard Bernard states that Marie Louise Bernard owned a plot of land of 350 Arpents at Flacq. He obtained that information while he was doing family research at the Registrar General's Office in 1959. He reported now that the "Case hypothécaire", that is, the "Répertoire" 22/88 of Marie Louise Bernard, has been destroyed since then.

The applicant has been informed that that the land is now occupied by a one Bhookun. He would like to identify this land so as to trace the first owner.

Case 5 Lastly, the applicant wants the Commission to investigate and research on what happened to a plot of land of 10 Arpents that Françoise Elizabeth, born Diolle, owned at Rivière Martin, Quartier Militaire. As per the "Case hypothécaire" he has seen that the land is not sold. He wishes, if there are no direct heirs and, if he has any right on it, to get back the land.

After analysis, the Commission has

#### Reference 765 - 0.01% Coverage

has reached the following conclusion:

Case 1 In spite of some documents submitted, there is no indication to the relationship of the applicant with Jean Marie Chenel, the alleged owner of several plots of land. Neither can the applicant establish the relationship to Jean Pierre Diolle and Jean Pierre d'Avrincourt. There is no family tree and no affidavit of notoriety. The applicant has not indicated what portion of land, if any, has been left. He does not know who is occupying the land which he is claiming.

Case 2 The applicant says he wants to get back the land of ½ Arpent situated at Rivière Française, if there is no heir. The Commission cannot establish if the applicant normally is an heir and if there are no other existing heirs as no Documents, affidavit, site plan or deeds have been produced.

Case 3 The Commission cannot

#### Reference 766 - 0.01% Coverage

a lady of 109 years.

Case 4 There are no official records at the Registrar General's Office concerning the land of 350 Arpents at Flacq.

According to searches carried out by the Commission, the page is missing. difficult for the Commission to identify or trace out the land.

It is very

Case 5

#### Reference 767 - 0.01% Coverage

the land.

It is very

Case 5 The applicant wishes to get the 10 Arpents of Française Elizabeth if there are no direct heirs. He has not been able to establish his relationship with Française Elizabeth, born Diolle, the alleged owner of 10 Arpents of land at St-Martin, Quartier-Militaire. There is no family tree, no affidavit.

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#### Reference 768 - 0.01% Coverage

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The site plan produced is a very old one; it is difficult to locate the land at present. Furthermore, the "Case hypothécaire" mentioned by the applicant has not been produced.

It is for applicant to

#### Reference 769 - 0.01% Coverage

show that he is entitled

to the land or has a share and/or interest in the land. \*\*\*\*\*  
CASE NAME: RAMNAUTH TJC/ L

#### Reference 770 - 0.01% Coverage

TJC/ L/0039/ RAMNAUTH MYPUTH

S. Ramnauth has shared portions of land acquired by him at Rose-Belle between his heirs. His son Ramhurrack Ramnauth has received 2 portions of respectively 37 ½ perches and 50 perches at Rose-Belle. At the death of R. Ramnauth in 1939, his wife looked after the land for some time. She then “gave” the land to one Narain Booputh to look after. The latter occupied the land as from 1946. Myputh Ramnauth, the applicant, through an affidavit, contested this fact. On 13th November 1992, Narain Booputh was told, through a “mise en demeure” to vacate the land within one month or to give an indemnity in case of use and occupation. There was no response from Booputh. In 1993, he prescribed the land in his favour. Myputh Ramnauth went to Court

#### Reference 771 - 0.01% Coverage

order to contest the prescription.

The brother of Narain Booputh, in the meantime, shared the land among his heirs before the judgement has been pronounced.

The applicant entered a case before the Supreme Court praying inter alia for a judgement declaring null and void the prescription of the two portions of land. (SCR 53222 refers). Copy of the judgement as well as part of Court proceedings are also in file. The case was dismissed on 25th November 1999.

Myputh Ramnauth did not appeal

#### Reference 772 - 0.01% Coverage

L/0040/VF/ CORETTE/SOBHA

The applicant, Roland Sobha, says that he is the son of Micheline Corette, and he has been made aware that his ancestors owned several plots of land across the island.

The applicant, who left two birth and one marriage certificates, has neither a title deed, nor a survey plan nor any official document. The name of his ancestors is unknown. He wants the Commission to undertake searches and to get back the plots of land.

A letter was sent to

#### Reference 773 - 0.01% Coverage

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More efforts were undertaken by

#### Reference 774 - 0.01% Coverage

L/0042/ CORNET NOEL SYLVIO

The applicant, Noël Sylvio Cornet, relates that he has always heard his grand aunt say that the family owned a plot of land at Flacq, near Fuel. He has no document and has done no research as he does not know where to begin his search.

In fact, he does not

#### Reference 775 - 0.01% Coverage

L/0043/PRAYAG ADEN KUMAR

The applicant, Aden Kumar Prayag, put four claims before the Commission about a plot of land his great grandfather possessed throughout the island.

Case 1 • Aden K. Prayag's grandfather called Seegobur Prayag possessed plots of land of 102 A at L'Île d'Ambre. The land has been divided among the heirs, including Seetulpersad, son of Seegobur Prayag. No document has been obtained regarding this possession.

Case 2 • Seetulparsad Prayag was leasing out a plot of land of approximately 10 perches at L'Amitié, Mon Loisir for a period of 9 years as from 1st August 1951 to Adorisah Busriah. The family wants the land back.

Case 3 • Seewoonarain Prayag (brother of Seetulparsad Prayag) has been leasing out a plot of land of 1 Arpent 25 perches at Le Ravin, Morcellement Tayack, Rivière-du-Rempart to Sookaram Dookaram for a period of seven years until 1958. The family wants the land back.

Case 4 • Seetulparsad Prayag possessed

#### Reference 776 - 0.01% Coverage

Case 4 • Seetulparsad Prayag possessed:

- A plot of land of 5 Arpents at Hauterive, Rivière-du-Rempart Truth and Justice Commission 178

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- A plot of land of ½ Arpent at Royal Road, Le Ravin, Rivière-du-Rempart (behind Kalimaye)

The applicant avers that documents

#### Reference 777 - 0.01% Coverage

TJC/L/0044/GRENADE CHRISTIAN

Perrine La Grenade, also called Perrina Grenade, was owner of a portion of land of the extent of 15 Arpents situated at Le Bouchon, for having bought it from Gervais St Mart by virtue of a deed drawn up by Mr. Marie Rosemond Giblot Ducray, Notary Public of Grand Port and La Savanne on 31 July 1839 under reference NA/75/10 (B) No. 1375. He passed away on 04 September 1862 at 80 years old.

The Heirs aver that Gervais St Mart who got married to Perrine Grenade was the owner of a plot of land of the extent of 25 Arpents at Le Bouchon, by virtue of a deed drawn up by the above-named Notary on 08 December 1833, under reference NA75/4 No. 232 for having bought it from Marie Joseph Nanette and heirs Quantin Gébert.

According to "Partage Testamentaire par

#### Reference 778 - 0.01% Coverage



sans occupation mais pas prescrit”.

The Chaton Report gives a list of 63 occupiers/owners at Le Bouchon having obtained land through acquisitive prescription.

Considering Le Bouchon as being an Eldorado, people have squatted upon the land of the Grenades, resorted to acquisitive prescription, sold the land and, over the years, established a sort of militia to look after

their property. prescription causing “overlapping

#### Reference 779 - 0.01% Coverage

causing “overlapping of title deeds”.

In his quest for identifying the land of his ancestors, the Police Officer Louis Edlé Grenade confided to three of his colleagues at the Police Division of his inability to retrieve the land and entrusted them in his absence with that work. While he went to establish in Australia, then Police Officers got the land prescribed by someone residing in the region and ultimately grabbed part of the land so prescribed.

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#### Reference 780 - 0.01% Coverage

prescription over prescription, overlapping of

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In the light of documents

#### Reference 781 - 0.01% Coverage

of the whole 25 Arpents.

No documentary evidence has been submitted about the ownership of the land after the period 1862, that is whether it was still owned by the Grenade, save a copy of a lease agreement registered on 23rd May 1949 in T.B No. 52, wherein it is noted that a plot of land to the extent of one Arpent out of 25 Arpents was given on lease for a five-year period to expire on 31st January 1954, by Olezia Grenade to Dayanand Seewoosunkur.

To succeed in his claim

#### Reference 782 - 0.01% Coverage

un titre exempté de vices”.

In any case, the Commission has, at Le Bouchon, an example of dispossession of land through the procedure of acquisitive prescription by individuals.

\*\*\*\*\* CASE NAME: BUSAWON TJC/ L

#### Reference 783 - 0.01% Coverage

was never returned to him”.

The applicant, Amarnath Busawon, is requesting the Commission to investigate into the official records to find out about the land and wants reparation. Searches undertaken by the Commission revealed the following:

- Busawon, married to Pynee Kadun

#### Reference 784 - 0.01% Coverage

Calcutta, bears the number 209881.

- They bought a plot of land at Highlands of the extent of 45 perches from Widow Louis Olivier Maingard and Ors.
- That plot of land was subsequently subdivided among his heirs into 4 lots and given to namely: Seelugun Busawon obtaining 10 ½ perches, Seeruttun Busawon obtaining 16 ½ p; succession Ramkissoon Busawon getting 9 perches and Ramlochun Busawon the remaining 9 perches;
- Ramlochun Busawon (being of the first generation) sold the plot of land of extent 9p to R. Busawon on 21st April 1965 according to TV 479 No. 137.

There is no record at the Registrar General's office of any "will" having been made by the Dalais family in favour of Busawon, the Indian immigrant bearing No. 209881 regarding a portion of land of 15 Arpents at Phoenix.

\*\*\*\*\*

In gratitude, he says, the

#### Reference 785 - 0.01% Coverage

of 15 Arpents at Phoenix.

\*\*\*\*\*

In gratitude, he says, the Dalais family gave him in a will, 15 Arpents of land in At his death, there was a "capitation d'héritage" by the daughter of Dalais to

Truth and Justice Commission 180

#### Reference 786 - 0.01% Coverage

Truth and Justice Commission 180

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: PATRICK WEBB/CHANG KYE TJC/L/0046/PATRICK WEBB/CHANG KYE

Patrick Webb, the applicant avers that his ancestors, François Dioré and Auguste Dioré, were owners of several plots of land in the region of Flacq, Quartier Militaire, Pointe aux Piments. For the Médine Camp de Masque Pavé region, the applicant has submitted 4 documents in support of his claim.

The family requests the Commission to intervene so that they may know where the land of Mon Désert Alma ends as they aver that the Sugar Company is occupying their land illegally and wish to get their land back.

Their claim mainly concerns their ancestral and hereditary rights over a portion of land of an extent of 100 Arpents belonging to late Auguste Dioré and located at Quartier Militaire in the District of Moka.

In virtue of a Notarial

#### Reference 787 - 0.01% Coverage

price of 3,000 piastres:-

- 

a portion of land (portion de terrain habitation) of the extent of 58 Arpents situated at Moka and bounded as follows:

Par la propriété acquise de

#### Reference 788 - 0.01% Coverage

par la propriété de Quesnay.

There has been a correspondence between Webb/Chang Kye and Mon Désert Alma regarding the above land.

The Commission requested Webb/Chang Kye to submit a Survey Report drawn by a Land Surveyor in justification of their claims of hereditary rights.

Land surveyor, A. Kauppaymuthoo, submitted a Report dated 23rd March 2011 wherein he came to the conclusion that:

- •

James Patrick Webb is in

#### Reference 789 - 0.01% Coverage

him by his client; and

the portion of land of an extent of 100 Arpents belonged originally to Auguste Dioré and is the one indicated on plans attached to his Report.

In the course of a

#### Reference 790 - 0.01% Coverage

plans and their title deeds.

A site meeting was arranged by the Commission on 28th September 2011 at 1400 hours between ENL represented that day by Jean Marc Oudian, Officer-in-Charge of Espral Limited and Patrick Webb. Only four portions of land of an aggregate extent of 15 Arpents 00 belonged to ENL and the surplus is occupied by the heirs of Doorganah Tatayah.

Patrick Webb is satisfied with the stand taken by the Commission to help him to recover part of his land, and it is up to him now to continue his fight with ENL and heirs Doorganah Tatayah.

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#### Reference 791 - 0.01% Coverage

Truth and Justice Commission 181

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: RAMPHUL  
TJC/L/0047/RAMPHUL DEODOTH

Sookbasso Sukurdeep (new deceased) was owner of several plots of land respectively of • 7 ½ Arpents and 6 perches in Montagne Blanche, Flacq • 6 Arpents and 2 perches at Bell Ville Pizan, Montagne Blanche • 12 Arpents and 55 perches at Montagne Blanche • 1 Arpent and 19 perches at Montagne Blanche • 5 Arpents 17 perches at

#### Reference 792 - 0.01% Coverage

been prescribed at Montagne Blanche.

Sukurdeep sold all these plots to one Retnon Velvindron (now deceased). Retnon Velvindron, in turn, sold the land to one Deoduth Ramphul. When Velvindron was the owner, the land was used as pasture land. After having bought the land from Velvindron, the new owner, Ramphul, wanted to 'bulldoze' it. FUEL Sugar Estate objected, saying that the land is theirs by occupation. Thus, as 'propriétaire par occupation', FUEL Sugar Estate leased the land as 'métayage' to several small planters. D. Ramphul, the applicant, finds himself is helpless as he cannot take possession of his land. The applicant requests the Commission for assistance to get back all the plots of land belonging to him. On 30th September 2009 Déoduth

#### Reference 793 - 0.01% Coverage

like to depone before the

Commission on a case of "land dispossession by Flacq Union Estates Limited" (FUEL). This case was heard on 20th November 2009 in presence of all Commissioners.

Deoduth Ramphul a well-known entrepreneur residing in Montagne Blanche in the Moka district made acquisition of 6 plots of land from one Retnon Velvindron on the 21st April 1977. The deed of sale was made before a Notary public Joseph Marcel Joson. totalling 33 Arpents as under

#### Reference 794 - 0.01% Coverage

Plot 6 1.25 Arpents

According to the deed drawn by Notary Joson, the land was a free hold and not burdened by any charge or mortgage. However, a survey carried by Robert Foiret, Sworn Land Surveyor, revealed that while plots Nos. 1 and 2 were unoccupied, plot No. 3 was occupied by the FUEL Sugar Estates. As for plots Nos. 4, 5 and 6, Foiret admitted that further searches were made to identify their exact location.

The Commission puts the question: "Should the deed of sale be drawn in such circumstances?" Whether D. Ramphul was able to identify any of the plots of land before agreeing to sign the deed of sale appears dubious.

plot of land he purchased as all were occupied by the FUEL. In any case, he has never, he says, been able to take possession of any of The sale refers to 6 plots of land Truth and Justice Commission 182

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Following representations made, the FUEL has always affirmed that the land was the property of the "company by occupation". D. Ramphul reports that the FUEL Sugar Estate has let the land to a number of planters under the "métayer system".

The Commission is well aware that this kind of arrangement is very common in Mauritius in that landless farmers are allowed to cultivate land belonging to sugar estates companies and on harvest part of the proceeds are retained by the sugar estate.

The Commission cannot give any

#### Reference 795 - 0.01% Coverage

L/0048/ LAMARQUE LOUIS CHERUBIN

Louis Cherubin Lamarque has addressed the Commission on the subject of "Land ownership and right of access" in regard to a portion of land of an extent of 16.88 hectares or 40 Arpents situated at Coteau Raffin, La Gaulette, Case Noyale in the District of Black River which, he claims, belongs to the descendants of Lauricourt La Poule.

Louis Cherubin Lamarque claims to be a heir to Lauricourt Lapoule and the descendant of a slave family. He claims that his ancestors resided on the land and cultivated it. The heirs have been living peacefully on the land until 2004, when their neighbour (Le Petit Morne Ltd.) started to interfere with their rights. He is requesting the Commission to look into the matter and reinstate access to the site from Black River Road.

The Ownership of the Land by Lamarque

According to a deed transcribed in Vol. 169/171, Lauricourt Lapoule acquired the rights of Jean Charles Lamoureux, Joseph Lamoureux and Dick Lamoureux in the succession of their grandfather in a portion of land in an extent of 40 Arpents situated at Coteau Raffin in the District of Black River. In fact, the vendors were heirs September

#### Reference 796 - 0.01% Coverage

September 1844 from Marguerite Fayot.

The land has not been sold according to the claimant, and its ownership still rests with the heirs. However, it is not clear from the contents of the deed referred to above whether the heirs are entitled to the whole of the 40 Arpents or only to undivided rights within the area.

Louis Cherubin Lamarque, who has as Consultant, A. Kauppaymoothoo, has submitted six plans. These plans have been certified as correct by A. Kauppaymoothoo, Land Surveyor, and show the limit of concession de Lamarque and the various changes which occurred subsequently as a result of the establishment of the Pas Géométriques, Mountain reserve and other sale transactions.

In fact, the plans tend to prove that the 40 Arpents of land are located within a larger portion of land which has been the subject of land transaction on several occasions without any mention in any of the deeds of the rights of the heirs Lapoule.

The contention of the Lamarque

#### Reference 797 - 0.01% Coverage

contention of the Lamarque family

It is the contention of the heirs that the development originally proposed by "Le Petit Morne Ltd." and later on by Tatorio Holdings (Mtius) Ltd. in connection with the Corniche Bay Golf Resort at La Gaulette has been planned on an area of 101.2755 hectares purchased by the latter company and which deed does not take into account the location of the 40 Arpents or any part thereof within that area. Furthermore, there have been incidents when access to the land by Chemin Dansac has been denied or obstructed by the Company.

to their father Eugene Lelong

#### Reference 798 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS The ownership of the land by Tatorio Holdings (Mtius) Ltd

Tatorio Holdings (Mtius) Ltd. purchased

#### Reference 799 - 0.01% Coverage

in Vol. 6924 No. 2.

In the deed, the description of the land is said to be

according to a report drawn up by Jean Claude D'Hotman, Land surveyor on 28 January 2008 and which bears reference L.S63 No. 24/33. The same deed refers to a previous survey effected by Jean Jacques Desmarais, Land Surveyor on 1st June 2006 and bears reference L.S57 No. 50/37.

The Commission has come across

#### Reference 800 - 0.01% Coverage

the access called Chemin Dansac.

Tatorio Holdings (Mtius) Ltd. purchased the property for the price of eighteen million one hundred and fifty six thousand eight hundred and thirty six Euros, i.e., 18,156,835 euros for the specific purpose of using the land for the development of a project under the Integrated Resort Scheme (IRS) as per the certificate issued by the Board of Investment on 4th December 2007.

In the report submitted by

#### Reference 801 - 0.01% Coverage

charge.

In his capacity as

Receiver and Manager of the Company, Louis Clensy Appavou has invited tenders for the purchase of the assets of the Company comprising the threshold bare land of an extent of 101 ha. 2755 m2 earmarked for the IRS. The closing date was Wednesday, 16th July 2009.

In consequence to the above

#### Reference 802 - 0.01% Coverage

Truth and Justice Commission 184

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\*\*\*\*\* CASE NAME: MALOUE TJC/L/0049/ HUET SYBILLE daughter of

MRS. MALOUE

Sybille Huët, the applicant, presented two cases before the Commission. In the first case, she wants the assistance of the Commission to find a conclusion so that they may obtain the necessary documents in order to retrieve their property and in the second case, she wants to get back a plot of land, she believes is hers.

Case 1 In 1947, the Magon family sold a plot of land of 25 perches at Vieux Grand Port to Xavier Maloupe, the Tonta family and the Bhugawon family. Each family bought respectively one part of the land, which was not divided legally. The contract of the three is "indivisé". The Tonta and Bhugawon family have respectively constructed on the plot of land. The Court appointed an Appraiser for the sharing in the person of Kadhati Khoyratty. However, no fees were paid by either the Tonta or the Bhugawon to obtain the contract. So, none of the three parties has been able to obtain a contract.

Another surveyor was then appointed by the Court in the person of B. Dumazel to survey the land. This time, the Bhugawon family contested the contract through an Attorney.

Case 2 The Maloupe family bought a plot of land in 1987 at Petit Bel Air. The son, Xavier Maloupe, was granted a loan and he put the said plot of land as guarantee. After having paid the loan, he sold the land to someone else. The family wants to get land back.

The Commission looked into both

#### Reference 803 - 0.01% Coverage

Commission looked into both cases.

The case of Maloupe is being resolved in Court by way of a "division in kind". Harold Lam Shang Leen, Attorney for the Maloupe, informed the Commission that B. Dumazel, Sworn Land surveyor, appraiser, has filed his survey / valuation report on 21st October 2010. However, there has been a counter report made by Tonta family and the case was scheduled to be heard on 18th March 2011.

As for the second case

#### Reference 804 - 0.01% Coverage

family on 29th May 1984.

According to deed TV 1758 No. 107 dated 16th March 1987, Benjamin Cyril Maloupe sold the land to his mother Marie Paulin Nadal, widow of Xavier Maloupe.

According to deed TV 2019 No. 10 dated 29th June 1990, Widow Xavier Maloupe sold the land to her son Louis Kingsley Maloupe.

According to deed TV 4693 No. 29, Louis Kingsley Maloupe sold the land to Sooraj Koomar Ramdhayan.

It is clear from the above deeds and land transaction that it was Benjamin Cyril Maloupe who was the original owner of the land of "solde" of 25 perches which he purchased from the Ganoo family.

Therefore, Sybille Huet, daughter of Marie Paulin Nadal, spouse of Xavier Maloupe cannot claim any right over the land which her mother sold on the 29th June 1990 to Louis Kingsley Maloupe.

\*\*\*\*\* Truth and Justice Commission 185

#### Reference 805 - 0.01% Coverage

Truth and Justice Commission 185

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: FORTUNO/PETIT  
TJC/L/0051/ FORTUNO EDWIN GABRIEL

Edwin Gabriel Fortuno, the applicant's

#### Reference 806 - 0.01% Coverage

20999, owned a plot of land at Quatre-Cocos, Flacq. His grandfather was baptized and named Jean Baptiste Petit. He had two sons, Anatole, the applicant's father, and Jean Baptiste Gaston. Jean Baptiste's son has taken over all the land. The applicant wishes to get back his share of the land; he also wishes to claim that he was the descendant of an Indian immigrant. Furthermore, the daughter of Louis Philippe Fortuno also claims a portion of land of an extent of 4 ½ perches situated in the District of Flacq, Centre de Flacq, more precisely at Sainte Ursule Street belonged to Louis Philippe Renaud Fortuno, her father. The Commission heard the story of both applicants who had a sad telling. They, in fact, owned a land in Centre de Flacq, as evidenced by TV 1405/14. In virtue of a deed

#### Reference 807 - 0.01% Coverage

de Flacq, Sainte Ursule Street. The family of Louis Philippe Fortuno constructed a one-storey building on that land. Whilst the family was occupying the first floor, they rented the ground floor to one Khadaroo who was operating a hardware shop. Marie Solange Fortuno and Pierre

#### Reference 808 - 0.01% Coverage

gained any power of attorney. On 8th November 1979, the family borrowed the sum of Rs. 11,000 from one Seewoo, a money lender, and the Notary G.E. Sinatambou took charge of that land and inserted it in the TV 1360 No. 31 and indicated that the reimbursement was scheduled for the 8th November 1980. The property was seized on

#### Reference 809 - 0.01% Coverage

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The Commission is left with

#### Reference 810 - 0.01% Coverage

re file TJC/L/0163



André Friquin writes that he has learnt that his father, Julius Emmanuel Friquin, married to Marie Ida White, has inherited from his grandfather, Emmanuel Friquin Cooper, a plot of land at Rivière Noire. This piece of information was given to him by one Rigobert who works at the Nelson Mandela Centre for African Culture. The applicant submitted documents documents

#### Reference 811 - 0.01% Coverage

Register at the Mortgage office,

In fact, Julius Emmanuel Friquin owns a plot of land of the extent of 153 toises at Ste. Croix as per TV 1428 No. 45 dated 13/12/1978. There is nothing apparent at Rivière Noire.

\*\*\*\*\* survey plan, André Friquin apparently

#### Reference 812 - 0.01% Coverage

Truth and Justice Commission 187

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The Commission analysed the case

#### Reference 813 - 0.01% Coverage

the late André Rubain Riacca.

As per notarial deed transcribed in TV 4759 No. 43, dated 12th November 1984, the CHA sold to André Rubain Riacca a concrete house under C.I.S. cover standing on a plot of land of the extent of above 2 ½ perches at 29, Sir Hilary Blood Avenue at Vallée-des-Prêtres (Cité La Cure).

In the same deed, it

#### Reference 814 - 0.01% Coverage

L/0054/VF/ARISTIDE DÉSIÉ

The applicant Désiré Aristide writes that his father is dead and that his family is at present living at Grand Sable, Grand Port and Mahébourg. He would like to enquire whether the Aristide family is the owner of a plot of land, though the location is unknown to him.

From searches carried out by the Commission at the Registrar General's Office, it appears that Louis Roland Aristide, the father Louis Désiré Jean Francois Aristide, owned a plot of land at Sainte Croix of the extent of 258 m2 as per TV 3355 No. 48 dated 23rd April 1996. He sold an extent of 75m2 along 52, New Sainte Marie, as evidenced by TV 3827 No. 72 dated 13th March 1998.

However, the "solde" of the

#### Reference 815 - 0.01% Coverage

own other plot of lands.

The Commission has called the applicant to advise him to pay back the Rs. 75,000 to MCB in order to recover the land after necessary arrangement.

#### Reference 816 - 0.01% Coverage

L/VF/0055/COURONNE MARTHESIE

Case 1 The applicant Marthésie Couronne writes that her family owned a plot of land of one acre at Trou d'Eau Douce.

The land belonged to Charlotte Marianne who sold it to Zélie Eulalie Marianne, Célestin Quirin, and Alexis Quirin. According to "l'acte" of Attorney C.J Montocchio dated 19th April 1853 as per TV 54/203, the land was "distrainé" (extract) from [the land] of Pierre Akyer. One Bissoondoyal prescribed the land in 1990, the family went to Court and the judgement was in their favor. However, Bissoondoyal refused to leave the land.

She requests the legal assistance of the Commission to get back the land. Truth and Justice Commission 188

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Case 2 According to applicant, Marthésie Couronne, her family owned a plot of land at Cap Malheureux obtained through a "concession Le Moël" of an extent of 312 ½ Arpents.

"Concessions" were granted to Pierre

#### Reference 817 - 0.01% Coverage

of 312 ½ Arpents.

"Concessions" were

granted to Pierre Le Moël Monséjour, Louise Nadal, his wife and their children. She requests the Commission to assist in research and in getting back the land.

Case 3 The applicant writes further that after the sharing of the land of extent of 27 perches at Royal Road Trou d'Eau Douce, executed by the heirs of Mr. Louis Elisy Nadal in 4 portions:

- 243.23 sq m to

#### Reference 818 - 0.01% Coverage

sq m to Juliette Nadal,

her cousin Louis Augustin Roy, heir of Andrine Nadal voluntarily exchanged his land, of the same extent as those of the heirs Franck Nadal, leaving the land that he inherited to the heirs of Franck Nadal. Before applicant father's death, he built a four-room-house on the land, which has been renovated.

stipulating that the father has sold the land and the house.

The applicant, Marthésie Couronne, confirms and certifies that he has falsified the document by imitating applicant's father signature. On the 9th July 2009, Marie Josée Achille (born Nadal) made a written statement confirming that she has never signed any document as stipulation by Louis Augustin Roy because she was in the UK at the period. She requests the Commission to investigate and to intervene legally in order to get back the land.

Case 4 Marthésie Couronne adds that family owned a plot of land of 21 Arpents at Camp de Masque Pavé. She ignores the exact location and whether it is occupied or not. She asks the Commission to assist in research.

Case 5 The applicant says that her grandmother was Marie Angèle Ang-Saye, she married Chin Paw in 1883. This latter bought a plot of land at Camp de Masque Pavé as evidenced by TV 214 No. 76. According to her, this latter was a real Estate broker. Chin Paw died, leaving Marie – Angele as his sole heir, as they had no child together. Marie–Angèle then remarried Kho–Sin, who died. No child was born either from this marriage. After his death, Marie–Angèle lived in cohabitation with Polixène Riche, they were not civilly married. From this relationship, five children were born:

- Arnold Riche, born on 31st

#### Reference 819 - 0.01% Coverage

born on 9th December 1910.

According to the affidavit of affiliation, Marie Marthésie Nadal is the daughter of Marie Léa Riche. Marthésie Couronne, born Nadal, affirms that she had recourse to a Land surveyor, Ravindranath Bhurtun in order to know the exact extent of the land bequeathed to the heirs. With the agreement of the other heirs, they have decided to sell the land. Marthésie Couronne and her sisters report that a few days after having placed a sign to advertise the sale of the land, one Proag (Applicant is not very sure of her name) called her and said that she was the owner of that plot of land.

The applicant's cousin, who lives not very far from the land, reported to them that the said Proag bulldozed the land and even destroyed an old shop found there. The applicants say that in the past the shop was hired by one Tion who went to Canada and finally died there.

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#### Reference 820 - 0.01% Coverage

a false "acte de vente"

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Marthésie Couronne affirms that her

#### Reference 821 - 0.01% Coverage

they are waiting for an

authorization from the Supreme Court of Mauritius in order to sell the land. Marthésie Couronne and her family even had recourse to the services of Solicitor Doorgacharun Luchmun to have the permission for "Sale of Minor Rights".

The applicant is one of the heirs of Félix Eulalie Marianne and Celestin Quirin who owned a portion of land of extent of 1 Arpent situate at Trou d'Eau Douce as per TV 54 No. 203 drawn in 1853.

The searches undertaken by the Commission in Case 1 reveal that by affidavit of prescription dated the 19th April 1990, Jean Vivian Beau-Bois prescribed a portion of land of an extent of 770 m2 .

It is the contention of the applicant that the land prescribed was owned by the succession of the aforementioned Félix Eulalie Marianne and Célestin Quirin and that the said Beau-Bois did not have all the requisites of prescription. On 3rd May 1991, the said Beau-Bois sold the land prescribed to his daughter and his son-in-law as evidenced by Volume 2158 No. 58.

On 31st March 2004, the

#### Reference 822 - 0.01% Coverage

daughters and Marvin Laseringue, unmarried.

Harris Laseringue owned a plot of land of 27.50 perches in Bambous, Black River transcribed in Volume TV 1569 No. 149, dated 3rd June 2004 and registered under TV 53 No. 1654, signed by Surveyor Ng Tong Ng Wah. This plot of land is leased out at present to several families from Rodrigues who have built a house. The applicant ignores to whom the rent is paid and wants the Commission to investigate.

From what the Commission has

#### Reference 823 - 0.01% Coverage

Bambous near the District Court.

On the 15th April 1982, Harris Laseringue prescribed a plot of land of extent of 27 ½ perches at Bambous as per TV 1569 No. 149. In terms of a Judgement delivered by the Master and Registrar of the Supreme court dated 31st March 1997, transcribed in TV 3598 No. 54, Harris Laseringue and ors became the "sole and lawful" owners of extent of 20 ¼ perches at Palma and in terms of a Division in kind, H. Laseringue was allocated 2 plots of land of 148.31m<sup>2</sup> and 55.73 m<sup>2</sup> respectively.

Truth and Justice Commission 190

#### Reference 824 - 0.01% Coverage

Truth and Justice Commission 190

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS As per TV 7347 No. 51 dated 6th May 2009, Harris Laseringue sold to Louis Marvyne Laseringue (son

of H. Laseringue and his concubine Marie Rolande Louise) the two above mentioned plots of land "ensemble une maison en blocs de ciment sous dalles y existant, ainsi que les installations pour une prise d'eau et de la lumière" for the sum of Rs. 400,000. "Que Monsieur H. Laseringue reconnait avoir reçu et touché de l'acquéreur, dès avant ces présentes et hors de la vue du notaire ».

H. Laseringue passed away on

#### Reference 825 - 0.01% Coverage

MARIE-LINE ROSEMAY born LEGRAND

This file deals with the properties of the heirs of late Bergicourt Salomon at Quatre-Cocos, wherein the applicant avers that she is co-owner and /or co-heirs of undivided rights in apportion of land of 2 Arpents situated in the District of Flacq, more precisely at a place called Quatre-Cocos. The land originally belonged to Bergicourt Salomon.

Marie-Line Rosemay Munogee, born Legrand, relates that his family possessed a plot of land of about 4/7 of 2 Arpents, that is, approximately 1 Arpent 15 perches situated at Quatre-Cocos, Flacq belonging to the heirs of late Bergicourt Salomon (husband of late Marie Juliana Catherine). During her life-time, Juliana Catherine has always said to her grandchildren that her late husband Bergicourt Salomon had left a property in Quatre-Cocos. Nobody trusted her as she was old. One of her grandchildren did some research at the Registrar General's Office. She discovered that, indeed, her grandfather, Bergicourt Salomon had a property but that one Joseph Wilfrid Salomon and Eda Lionnet (wife of Robert Marie) had drawn a false affidavit of

succession relating that they are the only heirs to apprehend the estate and succession of late Bergicourt Salomon.

All documents and evidences have

#### Reference 826 - 0.01% Coverage

Lionnet, wife of Robert Marie.)

According to a deed drawn up by Notary public E. Chaillet, dated 12th November 1952, and transcribed in Volume 579 No. 168, one Eda Lionnet, wife of Robert Marie, sold to Joseph Salomon all her rights in the portion of land of ½ Arpent.

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#### Reference 827 - 0.01% Coverage

Truth and Justice Commission 191

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Yet, in the title of

#### Reference 828 - 0.01% Coverage

L/0058/VF/DUPRE GERARD

Gérard Dupré, the applicant, avers that a plot of land has been given to Zéphir Olivier, his ancestor, at St. Hubert. The land belonged to Zéphir Olivier, the great grandfather of Gérard Dupré, then to his son, who, in turn left it to the grandson. The land is situated near the Cemetery of Grand Port.

He further avers that the family had another plot of land at St. Hubert. The Ramphul family is now occupying the land illegally (without permission). The family does not possess any contract. The applicant thinks that all documents are found at the Archives.

Gérard Dupré wants the assistance of the Commission in finding documents and situating the land; and finally, in getting the land back.

Unfortunately, in spite of a

#### Reference 829 - 0.01% Coverage

Truth and Justice Commission 192

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: RENEL TJC/L/0059/VF/ RENEL LEONCE SERGE

The applicant, Serge Léonce Renel, writes that following the “testament olographe” made by his father, he has inherited a plot of land at Petit Bel Air. The plot of land is known as “Terrain Elizabeth Rambuche”, which was the name of his grandmother. According to a survey made by Land surveyor Dumazel in 1986, the latter found out that the plot of land is situated at the corner of Chemin Ruisseaux-des-Délices. He has asked for a building permit for the construction of a building on his property. The Grand Port/Savanne District Council refused the permit because the property was outside permitted developed area. Grand Port/Savanne District Council advised him to appeal to the Secretary of the Town and Country Planning Board against the

decision of the Council. He requested Land surveyor Dumazel to survey the land and insert the landmarks. He made a request

to CWA, CEB for permits and made a plan of the house. A Solicitor advised him to make an "affidavit de prescription" to enforce his occupation of land. His cousin, Pierre Renel, objected to this prescription. The case was referred to the Supreme Court and judgement was in favour of applicant. Even then he cannot build or share the land between his children.

On 17th October 2008, a letter was sent to the Minister of Housing and Lands to plead his case. The Town and Country Planning Board maintained the decision of the Grand Port/Savanne District Council. Land surveyor, M. Beegun, also made a survey of his property to extract the portion belonging to his cousin.

He requests the assistance of the Commission to get a portion of land from the Government.

The Commission studied his case. There is a report by Land Surveyor Maurice Dumazel appointed by the parties in the case which was pending before Supreme Court. The parties have reached an agreement. The land of

the extent of 1982.88

#### Reference 830 - 0.01% Coverage

divided in two lots. The

agreement which has been made by judgement of the Court has been transcribed in Volume 4204 No. 1. Since the site settlement is outside residential zones, it is understood that the Grand Port/Savanne District Council, the CEB and the CWA refused to grant the necessary permits to construct a house and supply water and electricity. The land is found to be outside the settlement boundary of the residential zone amidst sugar-cane plantations. This area cannot be developed for residential purposes.

As for the request to assist applicant to get another portion of land from the Government, this is outside the mandate of the Commission.

\*\*\*\*\* CASE NAME: CLEMENTINE TJC/L

#### Reference 831 - 0.01% Coverage

L/ VF/0060/ CLEMENTINE MYRIAM

The applicant Myriam and her sister, Thérèse Clémentine, aver that their ancestors were the owners of several plots of land as follows:

1. 2. 3. 4. 5

#### Reference 832 - 0.01% Coverage

in support of these averments.

The plot of land opposite Réunion Sugar Estate at Vacoas is being used for the cultivation of sugar cane. Myriam Clémentine has paid one Rigobert of the Nelson Mandela Centre to do searches on

Truth and Justice Commission 193

#### Reference 833 - 0.01% Coverage

Truth and Justice Commission 193

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these lands, but, up to now he has not given any information back. The plots of land are under the name of Léontine Clémentine and they want to have their land back.

In spite of searches done

### Reference 834 - 0.01% Coverage

Clémentine in any "Case hypothécaire".

Further searches, made in the name of Jean Marcel Clémentine and his wife Marie Jeanne Appasamy revealed that they occupied a plot of land of extent of 31 perches at Vacoas on 28th April 1920 and another plot in Port-Louis on 19th September 1916 and sold them as per TV 1222 No. 233 and TV 435 No.127 respectively.

Therefore, the Commission is of the opinion that the land, as averred, has already been sold.

\*\*\*\*\*

CASE NAME: LARHUBARBE TJC/L

### Reference 835 - 0.01% Coverage

L/0061/VF/LAVICTOIRE SOLANGE

The Lavictoire family avers that one Aristhène Larhubarbe owned a plot of land at Rivière-duRempart. The land is situated opposite Rivière-du-Rempart School and dispensary.

Furthermore, one Miss Larhubarbe who married one Lavictoire owned a plot of land at Tamarin. She has visited the land which was bare. After her marriage in 1971, people occupied illegally the land of an extent of 1 Arpent 5 perches.

The requests of the family

### Reference 836 - 0.01% Coverage

title deed; • The site plan.

The report of Surveyor Buguth of the land under the name of Aristhène Larhubarbe. After review of the file and a perusal of the Report of Land Surveyor Buguth as recorded in MA 225, page 2, it has been observed that the file deals with only one case namely 1 Arpent 05 plot at Rivière-duRempart.

Following searches made at the

### Reference 837 - 0.01% Coverage

of Aristhène Larhubarbe was found.

As for the second request, there is no case in file for the Tamarin plot. The word "terrain" has been wrongly interpreted as being a plot of land at "Tamarin".

In the light of the above, there is no plot of land registered in the name of Aristhène Larhubarbe. Solange Lavictoire has been informed accordingly.

\*\*\*\*\* Truth and Justice Commission 194

#### Reference 838 - 0.01% Coverage

Truth and Justice Commission 194

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: LAROSE TJC/ L/0062/VF/ LAROSE HYACINTHE

Hyacinthe Larose avers in a first claim that he is heir of Alfred Larose who owned a plot of land of Brigot Estate, Montagne des Trois Mamelles. The extent of the property is about 1 acre. The land is bare. Applicant would like to obtain a copy of the deed and other related documents.

In a second claim, the applicant says that the family owned a portion of land at La Louise, QuatreBornes from which 47 perches has been sold to one Ulysée Israel Rabot, husband of Augusta Larose, grandmother of applicant. The deed of the land has been drawn up by Raoul de Robillard on 16th October 1928, TV 392 No. 474. He wants to know if the land is still there.

In fact, the Commission obtained

#### Reference 839 - 0.01% Coverage

0063/VF/ SOOPAU MARIE ELISE

Marie Elise Soopaul, the applicant, lives on a plot of land of 29 ½ perches since 1963. In 1995, her neighbor, Louis Joseph Pyndiah, constructed a cattle-pen on her land. She contacted the Ministry of Environment but the officer threatened by Louis Pyndiah was forced to quit when he came for a "'constat" of the situation'. She

#### Reference 840 - 0.01% Coverage

it was a civil case.

Judgement was proclaimed in 1998 by Magistrate of Bambous. The applicant won the case whereby she could occupy 25 perches. She had the land surveyed by Nazir Ahmed Khuram Beegun who advised her to ignore the 4 ½p which was closed by fencing.

The applicant came to the Commission after Christmas. She declared that on 24th December 2009, her neighbor, Louis Joseph Pyndiah, came in a lorry full of corrugated iron sheets and unloaded these on her plot of land. That same day Pyndiah started the construction of a house by erecting poles. On Christmas Day, the applicant's son removed all the poles. Joseph Pyndiah and his family were vexed and a quarrel broke out. The police had to intervene. On Saturday 26th and Sunday 27th

Truth and Justice Commission 195

#### Reference 841 - 0.01% Coverage

Truth and Justice Commission 195

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December, Pyndiah put up the

#### Reference 842 - 0.01% Coverage

L/0064/VF/TUYAU FRANCIS



Francis Tuyau, the applicant, writes that his grandfather and father had told him that the family owned several plots of land in Flacq and elsewhere, at Camp de Masque. document or title deeds. He wants to get the land back.

He has no relevant

The

#### Reference 843 - 0.01% Coverage

0065/VF/MAISON ROUGE RENE

Renéa Maison Rouge writes that, before dying, her husband told her that his father Léon Angilbert Maison Rouge owned a plot of land next to Ruisseau Créole in front of the Cemetery of La Preneuse, Black River. His mother, named Thérèse Edouard, being now deceased, cannot sustain any of the fact.

Renéa Maison Rouge relates that during a site visit on the said plot of land, she found a coconut plantation. accompanied her husband to Port

#### Reference 844 - 0.01% Coverage

Office and told them that

She does not know who owns this plantation. the land was still registered in her husband's

According

#### Reference 845 - 0.01% Coverage

family name. She has no

documents with her. An "agent" has already proposed to her husband that, if he succeeded in the procedures to get back the family land, to promise, on paper, to give him a quarter of the portion, the Conservator of Truth and

#### Reference 846 - 0.01% Coverage

Truth and Justice Commission 196

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: TYPHIS TJC/L/OO66/VF/ TYPHIS GEORGIA & TYPHIS ELIAS

Georgia and Elias Typhis put two claims before the Commission. In the first case, the applicants write that their great-grandfather, Ferdinand Antoine, was owner of a plot of land at Camp de Masque Pave. They have never visited the land and do not know where it is found. They want to get back the land.

In the second claim, they relate that their great-great-grandfather Jean Charles Typhis, owned a plot of land at Clarence, Black River. Jean Charles Typhis got married and had an only son named Avy Typhis. The latter died unmarried. The applicants' father, Louis René Typhis, inherited the share of Jean Charles Typhis. The family lived on the plot of land until the death of the father. They then moved to Bambous. The uncle of applicants' father, Charles Typhis, is still

living at

Clarence. The plot

#### Reference 847 - 0.01% Coverage

Typhis, is still  
living at

Clarence. The plot of land, which the Typhis are claiming, was adjoined that of Clarence Sugar Estate. According to applicants' mother, one Mac Grégor, Administrator of Clarence Sugar Estate, sent his messenger, Pan, to meet Charles Typhis in order to obtain Documents so as to verify if the Typhis were the real owners of the land. The documents were given to Pan, who disappeared with them.

Charles Typhis went to Court after the loss of the documents and was present each time the case was called. One day, on his way back from Court, Charles Typhis was hurt by a lorry of Clarence Sugar Estate. He died. After the death of Charles Typhis, Clarence Sugar Estate occupied the land. No access was given to applicants' mother and brother and himself to the land; the watchman of Clarence Sugar Estate threatened them.

At present, Médine Sugar Estate occupies the land, as this Company has bought all the land belonging to Clarence.

Even if no document was

#### Reference 848 - 0.01% Coverage

searches to reach a conclusion.

It appears that Jean Charles Typhis prescribed a plot of land of 3 Arpents 38 in terms of TV 476 No. A perusal of the TV indicates that the said deed has been cancelled

191 and on the same

#### Reference 849 - 0.01% Coverage

and void by the Court.

As regard to the claim of a plot of land at Camp de Masque, searches have revealed that Ferdinand Antoine had no plot of land at Camp de Masque but at La Louise in the District of Plaines-Wilhelm's, as evidenced by "Répertoire" 396/583.

The applicants have been made

#### Reference 850 - 0.01% Coverage

Truth and Justice Commission 197

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: MADHOO TJC/  
L/0067/VF/ MADHOO MARIE THERESE

Marie Thérèse Madhoo, the applicant

#### Reference 851 - 0.01% Coverage

house. The application was rejected.

Gilbert Mazéry acquired a house at 27, avenue Concorde, Cité Kennedy, on land leased out from Central Housing Authority. He allowed the Madhoo family to stay there and they did so for more than 32 years. When Mazery

#### Reference 852 - 0.01% Coverage

ground at Chamarel, Black River.

said that her grandfather, Jean Thomy Reynolds, possessed a plot of land at Chamarel. applicant has sold the land without the consent of her mother.

She does not have any

#### Reference 853 - 0.01% Coverage

Her mother has always The

The applicant does not have any title deed nor any other document of land which belonged to the ancestors. Searches undertaken by the Commission

#### Reference 854 - 0.01% Coverage

VF/ L'INTREPIDE PATRICK (Mr. & Mrs.)

Both applicants Patrick L'Intrépide and his wife declare that the grandfather, Rasidore L'Intrépide was born on 25th January 1871 at Bel Air. According to applicant's mother, Ernestine L'Intrépide, the grandfather Rasidore always spoke about a plot of land which he possessed at Mahébourg, next

Truth and Justice Commission 198

#### Reference 855 - 0.01% Coverage

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to the Church. Rasidore L'Intrépide left Mauritius to settle in Madagascar. This was before the applicant's mother's marriage. No one took care of the land as applicant's mother was illiterate. Applicant has no document concerning the land but wants to recover the land back.

The applicants have neither a title deed nor any other document concerning the land. In any case, they would have been blocked by prescription.

It would have been interesting

#### Reference 856 - 0.01% Coverage

have been interesting to know

the circumstances from oral history why no one can take care of the land. Illiteracy as such is not a reason.

The Commission undertook searches on

#### Reference 857 - 0.01% Coverage

of the Conservator of Mortgages.

\*\*\*\*\* CASE NAME: JEROME TJC/ L/0070/ JEROME JEAN ALBERT The applicant, Jean Albert Jérôme, writes that he has a plot of land lying at Camp Roches, Henrietta - between the curves of Rivière Papayes and Rivière-du-Rempart of an extent of 325 Arpents. This land constitutes the concession of André Marie, which has passed on to Denis Levasseur who is his great grandfather. The applicant's great grandmother was named Clivia Perrine, also called Cécile. He requests the Commission to assist him in his searches and to get back the land of his ancestors. He submitted copy of an

#### Reference 858 - 0.01% Coverage

Court on 24th July 2007.

It is not clear what the extent of the land the applicant is claiming. In the application, 325 Arpents are mentioned. Mention of 112 Arpents is also made in a certificate and in the Court case the applicant is claiming 40 Arpents only.

The Supreme Court has not

#### Reference 859 - 0.01% Coverage

any judgement in this case.

Furthermore, searches undertaken by the Commission also reveal that there is no land registered in the "Case hypothécaire" of Marie Jérôme. \*\*\*\*\*

Truth and Justice Commission 199

#### Reference 860 - 0.01% Coverage

Truth and Justice Commission 199

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: CHIFFONE

L/0071/VF/ POTIE MARIE

#### Reference 861 - 0.01% Coverage

to TJC/L/O165/VF.

Marie Helda Potié, the applicant writes that she has a plot of land at Chemin Grenier, more precisely, on the left side of the Government school. It belongs to her father, Pierre Edouard Chiffone, who, in turn, inherited it from his father Pierre Dorsil Chiffone. The plot of land is now occupied by someone else (she does not know his name) but he seems arrogant. The case was referred to the Court and the Judge – from what the applicant says – inferred that her father could take possession of his land after his recovery when the judgement will be pronounced. Her father was not able to be in Court, being very ill.

The Commission carried out searches

#### Reference 862 - 0.01% Coverage

OSCAR TJC/L/VF 165

Marie Catherine Labonté, the applicant, writes that she has information about a plot of land belonging to her grandfather at Flic-en-Flac, but she does not know the location of the land.

She also adds that her family has another plot of land at Chamarel. She does neither know either the location of the land, or any document to support her claim.

In spite of searches at

#### Reference 863 - 0.01% Coverage

0074/VF/ANSELINE MARIE GRETA

Marie Greta Anseline, the applicant, states that her grandmother Marie Makie Millien, who married Léonce D'Argenteuil Guimbeau had a plot of land of 9 Arpents 45 at Union Vale and wished to know what became of that plot of land, more so as the land is occupied by Mon Desert-Mon Trésor Ltd.

She further states that Léonce D'Argenteuil Guimbeau was also the owner of a plot of land at Rivière-des-Anguilles of an extent of 16 Arpents and 12 perches as per TV 318 No. 95, ("Acte de Me Durand Deslongrais", dated 5th May 1899) & TV 86 No. 185 and that Joséphine Guimbeau was the owner of 3 plots of land of an extent of 1061 toises (1/4 Arpent) at Roche-Bois from whom the Anseline family has inherited.

Searches have shown that the plot of land of initially 9 Arpents 45 perches at Union Vale belonged to the applicant's grandmother Marie Makie Millien - who married Léonce d'Argenteuil Guimbeau – as evidenced by TV 199 No. 446.

Truth and Justice Commission 200

#### Reference 864 - 0.01% Coverage

Truth and Justice Commission 200

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Marie Makie Millien passed away

#### Reference 865 - 0.01% Coverage

her husband Léonce D'Argenteuil Guimbeau.

In virtue of a deed transcribed in Volume 351 No. 358, dated 3rd November 1921, the heirs of Marie Makie Millien sold the plot of land of extent of 2 Arpents 47 to Anicet Ythier. This is confirmed by the report of Land surveyors Maurice Dumazel and Jean Jacques Desmarais.

According to "Répertoire" 215 No. 109 Marie Joséphine Lucienne Guimbeau, following a division in kind effected by late S.W.G.Gebert on 14th November 1898, transcribed in Volume 9199 No. 446, Marie Makie Millien was attributed a plot of land of extent of 2 Arpents 47 at Union Vale in the district of Grand Port.

As regards to the plot of land at Rivière-des-Anguilles and Roche Bois, these have been sold out. In the light of the above, there is no case for the heirs of Marie Makie Millien.

\*\*\*\*\* CASE NAME: FANTASIE TJC/ L

#### Reference 866 - 0.01% Coverage

#### L/0075/VF/FANTAISIE BRUNO

The applicant, Bruno Fantaisie, says that his family had a plot of land at Camp Créole Albion which they lost. The land belonged to his grandfather Fantaisie. No other name was given as the applicant does not know his surname. Yet, he knows that His father, Noël Joseph Fantaisie has "demi-frères" (step brothers) and "demi-soeurs" (step sisters) named Siméen, are scattered all over the island. He recalls that when his father was young, he used to pick mangoes on his land.

Bruno Fantaisie requested the assistance of the Commission to undergo searches regarding the land and to get back the land.

Even if the claim is

#### Reference 867 - 0.01% Coverage

#### 0076/VF/ MATOMBÉ JEAN RICHNEY

Jean Richney Matombé writes that he very often accompanied his grandmother, Clarisse Matombé, his grandfather, Elvis Matombé, and his father, Louis Guy Matombé, to a plot of land belonging to them at Bois des Amourettes, mostly known as Montagne Lion to cut "vacoas" leaves. His aunt, Rose Matombé, daughter of the brother of his grandfather, Eloi Matombé, owned a part "indivisé" of this land. Without the family knowing it, Marie Rose Matombé leased out the land to her cousin, one Henri Bourbon, for the sum of Rs 10,000 per year; he is cultivating sugarcane. The family of applicant was not aware of this transaction because after her father's death, they were not on speaking terms with the lady.

Philogène Matombé was the first owner was the land estimated to cover an extent of some 30-35 Arpents. Neither title deed nor survey

#### Reference 868 - 0.01% Coverage

Truth and Justice Commission 201

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The applicant wants the Commission to assist the family to retrace documents which could allow the heirs to sell land to Ferney Estate. Furthermore, the family asks for restitution and reparation.

Preliminary searches, carried out at

#### Reference 869 - 0.01% Coverage

appear in the Name Index.

But further analysis of the "Case Hypothécaire" of Philogène Matombé and Jean Elie Matombé reveals that Jean Philogène Matombé is the owner of a plot of land of extent 1 Arpent 25 at Grand Port for having acquired it from R. Runjeet on 25th September 1900 in TV 240 No. 164 (vide Répertoire 181 No. 816) and Jean Elie Matombé sold his undivided rights in the succession of Pierre Paul Matombé on 29th June 1925 and undivided rights 1 Arpent at Grand Port, Saint Aubin (Bel Air) to the Beau Vallon Company on 1st April 1941.

\*\*\*\*\* CASE NAME: RIMA TJC/ L

#### Reference 870 - 0.01% Coverage

L/0077/VF/ RIMA JULIETTE

The applicant, Juliette Rima, writes that her mother has always told her that her grandfather owned a plot of land at Mont Blanc, Chamouny. She has no additional information regarding the exact location and the extent of the land. She does not even know the name and surname of her grandfather nor that of her grandmother. She is not sure if it is Anseline or Louise. She wants to find the portion of land.

A most difficult case: No

#### Reference 871 - 0.01% Coverage

of her grandfather and grandmother.

No land data is given to enable the Commission to do searches and put up a property report. What is given is only hearsay information.

\*\*\*\*\* CASE NAME: GUKHOOL TJC/ L

#### Reference 872 - 0.01% Coverage

L/0079/VF/GUKHOOL JACQUELINE

The applicant, Jacqueline Gukhool, writes that her father Raghobeer Gukhool was the owner of property situated at Duo Cité Kennedy, Quatre-Bornes. It appears that he sold the land to his son and applicant's brother, Benjamin Gukhool. The latter is no more. She has been told that she has neither shared right nor any pretension to the said property. The sale had been done in favour of her brother at date 22nd June 1984, as evidenced by TV 1322 No. 110. As heir of her father, she says that she has not been aware of the sale.

With reference to Marc Benjamin and Raghobeer Gukhool in "Répertoire" 550/1 and "Répertoire" 578/693, respectively, Raghobeer Gukhool was the tenant of a CHA house at D40, avenue La Confiance, Cité Kennedy. He passed away on the 19th February 1991 at the age of 84 years. Years earlier, on 4th February 1974, he sold the house standing on the plot of land of extent of about 5P to his eldest son Benjamin Gukhool. Benjamin Gukhool has passed away.

Her sister, Jacqueline Gukhool, wants

#### Reference 873 - 0.01% Coverage

Truth and Justice Commission 202

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS The land in question is State land under the control of CHA.

For the Commission, it appears

#### Reference 874 - 0.01% Coverage

as she is residing there.

The "Répertoire" makes it clear that Benjamin Gukhool purchased a house on a portion of land of 5 perches at Candos as per TV 1242 No. 214 dated 04th February 1974.

If ever Jacqueline Gukhool still

#### Reference 875 - 0.01% Coverage

PATRICK RICHARD TJC/L/0167

The applicant, Simon Claude Defoix, declares he recalls that in the 1940s, when he was still young, his cousin, Mark Defoix, told him that there was a land for sale. The latter applied to Notary Dassyne to do the necessary for him to get the land. The applicant says that he has no document, except the extract of a birth certificate in the name of Simon Claude Defoix, son of Joseph Defoix, concerning the said property. He wants the Commission to investigate the land.

Searches carried out by the

#### Reference 876 - 0.01% Coverage

Truth and Justice Commission 203

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access for the back portion

#### Reference 877 - 0.01% Coverage

reopen the road as appropriate.

Furthermore, she adds that according to her information, she has a right or a share in a portion of land of about 788 Arpents in the District of Savanne, more precisely at Ligne Bassin, Ruisseau Citron. However, there has been an exchange of land between the Colonial Government and one Adolphe Gébert, which brings the family inheritance to Mahébourg instead of Savanne. The minors Gébert and Masson Abraham were the heirs of that plot at Mahébourg. The deed witnessing the transaction was transcribed in Volume TV 55 No. 34 on 3rd September 1853. The applicant's father, Jules Marguerite, has been raised by Jules Masson who had two sisters.

Before his death, Jules

Masson

#### Reference 878 - 0.01% Coverage

or "usufruit" for Jules Marguerite.

The history of the Masson family is as follows: Abraham Masson or Masson Abraham is one of the owners of the land of 788 Arpents. His son, Jules Masson, and his two daughters are the heirs entitled to apprehend the estate and succession of their father, Abraham Masson. Jules Masson was married but 35 years later, his wife died. No child was born from the said marriage.

One of the two sisters

#### Reference 879 - 0.01% Coverage

to investigate in this case.



As for Case 1, the Commission cannot entertain this case as it concerns encroachment on a right of way by neighbours. She has to contact her Land surveyor in order to ascertain her right to use the right of access to her land.

After that, she may take

#### Reference 880 - 0.01% Coverage

may take any appropriate action.

In Case 2, the applicant was requested to call at the Commission for a working session. She has not turned up. There are a lot of Court Status Acts and other documents incomplete formerly there and title deeds. Most of them relate to the Division in kind of a portion of land of 600 toises. This plot of land had been subject to a division in kind before the Master's Court, Supreme Court.

In so far as the land of 788 Arpents is concerned, it appears that it belonged to • Adolphe Gébert; • Minors Gébert; and • Masson Abraham.

The proportion of the share is not known. The land is described as "Crown forest".

According to a will and

#### Reference 881 - 0.01% Coverage

all her properties

to Jules

Marguerite. According to Notary Louis Marguerite Lazare, the share of Widow Oscar L'Oiseau in the property amounts to 1/9. The question remains obscure as to the share of Abraham Masson in the land of 788 acres.

There is no indication as to what has happened to the land of 788 acres. Whether it has been divided and who is occupying the land today.

Truth and Justice Commission 204

#### Reference 882 - 0.01% Coverage

Truth and Justice Commission 204

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After scrutinizing the deed of exchange dated 3rd September 1853, Mr. Adolphe Gébert and Abraham Masson have, in their own names, and on behalf of minors Gébert, exchanged a plot of land of about 16 perches at De Créoles Street, Mahébourg, for 788 acres of "Crown forest".

The portion of land of 788 Arpents described as "Crown forest" could very well be State land on lease. The lease, having expired, the Government must have taken back the land. The applicant cannot have any claim on the "Crown forest" which is State Land.

\*\*\*\*\* CASE NAME: NETA TJC/ L

#### Reference 883 - 0.01% Coverage

VF/ HEERAH YVONETTE (born NETA)

Yvonne Heerah, the applicant writes that her father, Joseph Antoine Neta, bought a plot of land at Saint Louis Avenue, Plaisance in front of Rose- Hill garage for the sum of Rs. 300 per toise. The applicant was 14/15 years old at that time.

At his father's death she

#### Reference 884 - 0.01% Coverage

23 years old. On her

grandmother's advice, her mother took "une hypothèque" (mortgage) of Rs. 1,200 on the land and the small corrugated-iron house which her father had built on the land and in which the whole family was living. After some time, her mother managed to improve the little abode, turning it into a little concrete house. Meanwhile, applicant got married (16th September 1959) and was staying at Beau- Bassin. Unfortunately, Yvonne Heerah's mother was unable to pay back the sum borrowed. The concrete house and the land were sold by levy. The applicant's husband and sister tried to stop the "Sale by levy" but the property had already been bought by the Narain family.

Yvonne Heerah requests the Commission

#### Reference 885 - 0.01% Coverage

according to rules and regulations.

Searches undertaken by the Commission revealed that, according to the "Case Hypothécaire" 441 no 257, and transcribed into a notarial deed dated 13th January 1960, as per TV 804 No. 14, Joseph Antoine Neta did buy a plot of land at Plaisance, Rose-Hill, of the extent of 89 toises from R. De Chazal for the price of Rs. 267 at Rs. 3 per toise. Unfortunately, the land was burdened with many charges in favour of E. Audibert and Franchette.

As per Volume 5102 No

#### Reference 886 - 0.01% Coverage

Truth and Justice Commission 205

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: MARISSON TJC/L/0085/VF/MARISSON ANNE MARIE LOUISE Cross reference with TJC/L/0017 HOSENY BERNARD & ORS.

No summary. No application. A

#### Reference 887 - 0.01% Coverage

case, he writes that his

grandfather on his mother's side is Léonce Colfir, the owner of a plot of land at Rivière Noire ex. Camp La Colle. After queries; he has noticed that Government has erected an NHDC housing estate over this plot of land. The company has acquired the said land from Didier Maingard de la Ville-èsOffrans since three years. One of his neighbours has told him that the NHDC Company wanted to give ½ of the land as negotiation. Unfortunately nothing has been done [as such]. NHDC have now been erected. Applicant has no deed nor any other Document concerning the said property.

As for the second claim, Claudio Pierre writes that his father, Louis Pierre, residing on, and proprietor of, the said premise at B5 Cité CHA, Tamarin is suffering from the encroachment of his neighbours namely one André Henry. The claim by applicant's father is situated at the rear of his residence at Pêcheur Avenue, Cité CHA Tamarin, No. B5. He writes that about ½ of their property has been encroached with the land of André Henry or others.

In both cases, the applicant requests the Commission to assist him: (i) in getting back a portion of land of an extent of 3 Arpents situate at Camp La Colle, Rivière Noire which he claims is occupied by NHDC and, (ii) he wants to know from Ministry of Housing and Lands who is the real owner; to stop the construction of André Henry.

From searches carried out by

#### Reference 888 - 0.01% Coverage

Volume 5586 No. 16, the

Government of Mauritius acquired from Amédée René Philips Didier Maingard de la Villeès-offrans a plot of land of the extent of 8860.34m<sup>2</sup> (2A09.92p) excised from an original extent of 588A36.

The vendor is the owner

#### Reference 889 - 0.01% Coverage

title deed 1712 No. 138.

The NHDC Housing Estate has been constructed over the 8860.34 m<sup>2</sup> plot of land.

- The memorandum of survey drawn up by Land surveyor, M. F. Ricardo Ramiah, dated 18th February 2003 registered in LS 47 No. 3025 in relation to the above mentioned plot of land gives the names of all adjoining owners together with their respective title deeds.

- The name of Léonce Colfir

#### Reference 890 - 0.01% Coverage

Truth and Justice Commission 206

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: TOUSSAINT TJC/  
L/0087/VF/ HIPOLITE TOUSSAINT

Hippolite Toussaint writes that he

#### Reference 891 - 0.01% Coverage

to have this housing contract

Moreover, applicant writes that he owned a plot of land in Médine Brigo, Beau Songes which belongs to his great grandmother Claudine Sirope, under whose name the contract has been made. Médine S.E. has asked him to survey the land of an extent of more than one acre. The applicant has no money to do the surveying. He would like to transfer the contract on his name.

After analysis of the whole case, the Commission noted that the only document submitted is the copy of a title deed TV 45 No. 406 dated 5th May 1846 drawn up by Notary J.M.R. Giblot Ducray witnessing the sale of a plot of land of 1 Arpent in Plaines Wilhems, in the region of Réserves Trois Mamelles, from one Autard

de Bragard to Ambroisie Rustica and Louis Sirope. That plot of land is excised from "propriété Bourgaudet", Riche-en-Roches. The original extent of 42 Arpents formerly belonged to L. M. Benoni Labutte. According to deed transcribed in TV 45 No. 406, Louis Sirope was co-owner along with Ambroisie Rustica of a portion of land of 1 Arpent. be carried out by a Land surveyor.  
It appears that Médine Ltd

#### Reference 892 - 0.01% Coverage

no objection to the survey

Hippolite Toussaint has to establish that he is an heir of Louis Sirope and proceed with the survey of the land.

\*\*\*\*\* CASE NAME: LAMARQUE TJC/ L

#### Reference 893 - 0.01% Coverage

Louis Cherubin TJC/L/0048

The applicant, Marie Stella Sabrina, writes that she was born Lamarque and is married to Jean Yves Désiré Velin. They have a three year-old son. She lives on a sugar estate ("camp sucrier") and she is not the owner of the house she is living in. She knows that the Lamarque family, her ancestors lived in Coteau Raffin; her grandparents, Rose and Luc, lived at La Gaulette. Her uncle Karl Lamarque is her father's brother. She is aware that he had started procedures to get back the family land. The applicant would like to know if she will obtain a plot of land in order to build a house for her.

She has no document, title

#### Reference 894 - 0.01% Coverage

Truth and Justice Commission 207

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: SYLVIE/OLIVE TJC/ L/0089/VF/ EDOUARD ROSELINE

Roseline Edouard, the applicant, writes that her parents, Louis Antoine (father) and Hélène Sylvie (mother) Jance, had a plot of land of 40 Arpents on Mon Désert-Mon Trésor Sugar Estate "dans les années 1600." Her mother had told her that this land belonged to the family for quite a long time and that she had tried to get it back since 1970/1980. They paid the service of a Barrister Me Guy Ollivry to find out how they could retrieve their inheritance. The Barrister even accompanied the family once to visit the land but the access was forbidden by a chain and a plate marked "Accès Interdit". All those who have started the procedures and searches, her parents and the heirs to Olive and Sylvie families are now dead. Her Barrister did not go any further in her case.

The applicant has not produced any document, title deed, plea, affidavit in relation to the claim of 40 Arpents of land.

Searches carried out at the

#### Reference 895 - 0.01% Coverage

at the Registrar General's office

Furthermore, the "Case hypothécaire" of one Antoine Jance reveals that the said Antoine Jance, who was the son of Gilbert Jance and Georgina Labtuna had a plot of land at Belvédère, BeauBassin of the extent of 25 perches as per TV 622 No. 45 and who sold it to P. Ramen on 4th November 1985 as evidenced by TV 671 No. 25.

CASE NAME: RIOUX TJC/L

#### Reference 896 - 0.01% Coverage

L/0090/VF/ABRUE VIVIANNE

Viviane Abrue writes that the family owned a plot of land belonging to her grandfather Nicolas Rioux at John Kennedy Street Grand Gaube, mostly known as Camp La Serpe (Bâti). The applicant lived there when she was a child. The family then moved to live on sugar estates in the period 1949/1950. According to information obtained, the land has been sold by the nephew without the other heirs' consent. The nephew's family name is Louise.

Searches carried out by the Commission at the Conservator of Mortgages Office reveal that Nicolas Rioux has sold the land.

Nicolas Rioux (married to Olive Pierre) sold along with 12 other members of the family, a plot of land of the extent of 3 Arpents at Grand-Gaube on 25th November 1953 as transcribed in TV 610 No. 192 to Widow Léovince Louison, Dame Joséphine Brune in consideration of a price of Rs. 1,000.

Furthermore, a copy of the

#### Reference 897 - 0.01% Coverage

that property to Joséphine Brune.

It is further noted that the said plot of land formed part of succession Joséphine Brune and Adélaïde Brune "qui étaient ells

#### Reference 898 - 0.01% Coverage

Truth and Justice Commission 208

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ELIZABETH TJC/L/0092/VF/ ELIZABETH LUC MARC

Luc Marc Elizabeth, the applicant, writes that he is one of the heirs of Elisa Elizabeth who owned a plot of land of an extent of 2 Arpents 84 perches at La Caverne, Vacoas. After several attempts to occupy the land they were forbidden to do so by neighbouring families. This happened in 2000. In August 2007, through a press notice in Le Mauricien newspaper, the family was informed that one, Seewoonarain Santchurn, and one, Arjoon Santchurn, had started procedures to prescribe the land. On the day when the surveying was scheduled the whole family went on the plot of land to prevent the surveying to be done by Land surveyor Ravin Tupsy, on behalf of the Santchurn family. The family Elizabeth waited until noon but the surveyor did not turn in. The family contacted two Land surveyors to do the surveying but they were forbidden to do so by the neighbours.

They request the help of the Commission in getting back the land.

The Commission undertook searches on the case. In fact, Elizabeth Elisa owned a plot of land of an extent of 2 Arpents 85 perches at La Caverne, Vacoas. According to "Répertoire" 22/351 T.V 41 No. 99 dated 28th May 1841, one Louis Martin sold to Elizabeth Elisa also called "Gouvernant" a plot of land of 2 Arpents 85 at

Plaines Wilhems for the price of \$ 47 as described in a Survey report drawn up by E. Ribet on 20th June 1840 in terms of a notarial deed transcribed in Volume 41 No. 99.

Luc Marie Elizabeth is one

#### Reference 899 - 0.01% Coverage

Register A 685 No. 4165.

An analysis of "Répertoire" 22/351 in the name of Elizabeth Elisa reveals that the land purchased has not been disposed of, as well as another property of an extent of 7 Arpents.

On the basis of the

#### Reference 900 - 0.01% Coverage

his grandmother was Clémence Perticot.

Louis Théodore de Peticoz, born on 28th March 1748, owned a plot of land of extent of 78 Arpents, situated at Baie-aux-Tortues, Balaclava, which he acquired from one Gerrest in 1779.

Louis. Théodore de Perticoz died

#### Reference 901 - 0.01% Coverage

Truth and Justice Commission 209

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

As Louis Théodore Perticot died

#### Reference 902 - 0.01% Coverage

Perticot, father of Denise Perticot.

At present, the land is planted with sugarcane by Solitude Sugar Estate, belonging to Harel family.

Case 2 Désiré Jean Pierre Kervin Léonidas, the applicant, writes that he has a right on a portion of land at Royal Road, Pointe-aux-Piments. He has no deed in his possession. His mother, Miss Chavry (married to L. Médard) was born on the said property. He knew where the land was situated. The heirs are not willing to share the land legally and to give applicant his share. The applicant writes that he does not know the exact extent of the land. He received information from his cousin, Luc

Chavry that he has found a plot of land under the name of his grandmother in Pointe- aux- Piments "in the corner coming from Triolet" getting into Pointe-aux-Piments. On the land he found a land mark bearing the initial of the Chavry family. The applicant writes that he has no family tree

Case 3 Marie Maïta Pamela Merville, the applicant, writes that her mother, Marie Marlène Clovis (born Antoinette), is the owner of a plot of land situated at Route Royale Pointe-aux-Piments.

The applicant's father, Louis Noë

#### Reference 903 - 0.01% Coverage

Louis Noë Clovis, is dead.

While surveying the land on 25th April 2005, the family's surveyor, Hasan Miyan was prevented from doing so on account of a dispute between the Martin family and the applicant's mother.

The land, of an extent of 22 Arpents has been subdivided among the heirs of Denise Perticot, widow (1st marriage) of Mr. Louis Perticot; she married a second time with Mr. Castor, The case has been submitted to Supreme Court since 1999. According to applicant, Judge Matadeen refuses to give a judgement.

Case 4 The applicant, Gladwyn

#### Reference 904 - 0.01% Coverage

Marie Florida Perticot told her

grandmother (Bérengine Pitchen) to come and live on her plot of land of 22 Arpents. The land belongs to Denise Perticot who had only one child, François Nélzir Perticot, who is an ancestor of Florida Perticot (Document 1). On a part of that portion of land, a Chinese built a shop and settled there. Without anyone knowing, one Hew Khee, made a prescription on part of the land.

Hew Khee and Ors. are

#### Reference 905 - 0.01% Coverage

submitted and brought to Court.

Gladwyn Dany Laventure underlines that there have been many fraudulent issues on the land surveying and between the Lawyers of both parties so that the case is not brought to Court However, the applicant persevered.

The case went to Court

#### Reference 906 - 0.01% Coverage

been pronounced up to now.

Case 5 The applicant, Stella Lydie Perticot, who says that she is the heiress of Virginie Perticot, writes that her family owned a portion of land of approximately 23 Arpents at Petite Pointe-aux-Piments which has been subdivided among the heirs of Marie Virginie Perticot or Perticoz or Virginie Perticault, wife of late Louis Perticot and wife in second marriage of Louis Castor. The land has been shared into eleven portions among the heirs of late Louis Perticot and minors of Louis Castor.

In 1973, when the applicant was still a child, she remembered that her parents were doing searches to retrace all documents and title deeds of the land of 22 Arpents on which the Perticot family was living.

Truth and Justice Commission 210

#### Reference 907 - 0.01% Coverage

Truth and Justice Commission 210

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Seven years back, people coming from elsewhere and unknown to the family started to construct on the land and squatted the land, thus causing prejudice to the Perticot family.

Another problem came when one Beedassy prescribed several portions of land neighbouring the portion of 2 Arpents which he has purchased from Francoise Perticot. The applicant declares that Beedassy has never occupied these plots of land.

The applicant considers that she

#### Reference 908 - 0.01% Coverage

the portion of 22 Arpents.

The Commission had several meetings and information sessions with members of the Perticot family and was able to put up three official hearings, either from Jean Claude Martin, their Land surveyor, A.S. Calloo and or Land surveyor, Bertrand Desvaux de Marigny of Harel Frères Limited to obtain more information on the matter.

Heirs Perticot claimed to be owners of a plot of land of approximate extent of 78 Arpents at BaieAux-Tortues, Balaclava, in the District of Pamplemousses, in virtue of title deeds volume 11 No. 177 and 16 No. 72.

Two attempts to survey the above mentioned plot of land were made by heirs Perticot, namely by Land surveyor Ng Tong Ng Wah on 11th March 2010 and Surveyor M.A.S Calloo on 20th August 2010. Following objection lodged by Me André Robert, Attorney for Harel Frères Limited, the two surveyors did not pursue further the survey operations.

In a letter addressed to

#### Reference 909 - 0.01% Coverage

Truth and Justice Commission 211

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- It is to be noted that Government also acquired 3 plots of land on 15th September 1988 under TV 1874 No. 54 from "Société Agricole de Solitude" (now Harel Frères Limited) for the construction of the access road to Balaclava.

\*\*\*\*\* CASE NAME: AZIE TJC/ L

#### Reference 910 - 0.01% Coverage

L//0097/VF/SANSPEUR ÉLISÉ

Elisé Sanspeur submitted several documents which are not related to any land reclamation. There is no request, no application.

She wanted only to be

#### Reference 911 - 0.01% Coverage

paid to descendants of slaves.

\*\*\*\*\* CASE NAME: THERESE TJC/ L/L/0102/ VF/THERESE SERGE The applicant, Serge Thérèse, writes that his family owned a plot of land at Route Nicolay,



Balisage, Rivière Latanier. The land, as he underlines, has been prescribed by one Lam Po Tang. He requests the Commission to investigate and assist in the research to get back the deed of one Lavaud, presumed to be the first proprietor and retrieve the land.

The full name of applicant's

#### Reference 912 - 0.01% Coverage

Truth and Justice Commission 212

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: BRASSE  
TJC/L/0099/VF/BRASSE JEAN CLENCY

The applicant, Jean Clency Brasse, writes that he is one of the heirs of Jacques Brasse who owned a plot of land at Rivière-du-Rempart. According to the contract, Jacques was "un homme de couleur libre" and the land he owned is well-known as Roc en Roc.

Jean Clency Brasse writes that before his father's death he has often been on the land with his father. They found several houses built illegally without any permit. On the plot of land, they found tombs of their great-grandparents on which were inscribed the names of the Brasse family.

Sylvio Michel and P. Gurbhoo, Secretary of the "Association Justice, Restitution et Réparation" gave a brief of the case as such: Jean Clency Brasse is one of the heirs of late Jacques Brasse, owner of a plot of land of about 4 Arpents 35 perches at Grand Gaube, Roc en Roc, Rivière-du-Rempart.

According to research, Louis Couacaud has prescribed a plot of land at Grand-Gaube, Roc en Roc, Rivière-du-Rempart around the years 1938. The land had no fixed plan drawn up before the prescription. The only document is an affidavit of prescription giving a summary of the supposed boundaries of the land, saying that it is bounded by 4 common roads and a fictive Hindu name as occupier on one side.

Around 1942, Land surveyor Aliphon tried to fit the land prescribed - of an extent of 3 Arpents 00 perches according to the deed- on a plot of land of 4 Arpents 33 perches belonging to the heirs of late Jacques Brasse. The land of late Jacques Brasses family has only 5 sides. In any way, there are too many contradictions in this case. After searches made, it appears that the land prescribed by Couacaud has been subsequently sold to several persons who are now victimizing the heirs of late Jacques Brasse although they are occupying the land subjected to the present dispute.

Late Jacques Brasse has a title deed being a "concession". After research, it appears that some other plots of land prescribed or belonging to André Couacaud have a status of State Land as per annexed plan submitted. In other words, the "concession" has not been granted by the government for non-fulfillments of the requirements or conditions. Due to the lack of control of the British Government at those times many frauds have taken place to arrive to the deed of André Couacaud or Société Melville.

The "Association Justice, Restitution et

#### Reference 913 - 0.01% Coverage

and Jean Clency Brasse request

Commission to investigate and to take into account information regarding the land. The case was heard by the Commission on 5th September 2010.

At page 6 lines 184 of the transcript of the Hearing, it has been suggested that the Commission will summon Couacaud of Merville Ltd to give documents concerning the prescription of 3 Arpents of land. After admeasurements, the land has been found to be 4 Arpents 35. Out of the 4 Arpents 35, two plots have been sold and the remaining 2 Arpents 11 perches have been sold to Sew Subrun.

After searches and analysis of the matter referred, it is revealed that the land of 4 Arpents 35 perches is presently occupied by the three purchasers as per deeds drawn up by Notary Public namely:

- Chastry Chkogolall (2 Arpents 00

#### Reference 914 - 0.01% Coverage

Sew Subrun (2 Arpents 16)

No reference of any plot of land prescribed by Melville Ltée and Louis Couacaud in 1938 is made in the various "Case hypothécaire". As per notarial deed TV 2538 No. 17 dated 29th April 1993 witnessing the sale by Melville Limited to Sew Subrun, reference is made therein of a sale by

Truth and Justice Commission 213

#### Reference 915 - 0.01% Coverage

and Justice Commission 213 the

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Melville to Jean Delastelle Brasse of a plot of land of an extent of 0 A18 perches as per TV 459 No. 145.

It is not known under what circumstances Jean Delastelle Brasse, presumably an heir to Jacques Brasse, acquired the plot of land of an extent of 0 Arpent 18 perches from Melville Ltd.

In the event that Louis

#### Reference 916 - 0.01% Coverage

view to recuperate the 0A45.

The heirs of Jacques Brasse have been advised to retain the services of a Land surveyor with a view to making an investigation Report and to going for the restitution of the land.

\*\*\*\*\* CASE NAME: LAURENT TJC/L

#### Reference 917 - 0.01% Coverage

VF/LAURENT JEAN ROGER MORRIS

The applicant, Jean Roger Morris, submitted that his great-grandparents had told his parents that they owned plots of land at Mahébourg and Grand Port. They did some searches at the National Archives and found that one Jean Suffren Laurent possessed two plots of land in Mahébourg and Rivière des Galets. The Truth and Justice Commission has been asked to undertake searches and to assist in view of retrieving the plots of land.

In support of his claim

#### Reference 918 - 0.01% Coverage

Laurent has produced 3 documents:

- Copy of a transcription of a grant of land dated 13th Mars 1760 to Jean- Laurent, tailleur de pierres au service de la Compagnie demeurant à Port-Louis à l'enforcement de pierres de la Montagne No. 212 of extent of "15 Toises sur 30 Toises" (LC5 folio 17).
- Copy of testament dated 28th March 1856 whereby Jean Suffren Laurent (widow of Jean Marie Bocus and remarried to Marie Argentine Bourquin) left to the latter a plot of land of the extent of ½ Arpent at Rivière-des-Créoles. In the testament, Jean Suffren Laurent is given as a "propriétaire pêcheur domicilié à Mahebourg, Ville Noire. »
- Copy of a transcription of a grant of land dated 6th September 1755 (LC 3 page 102) of extent of 312 Arpents at Flacq granted to Jean Laurent, "tailleur de pierres, demeurant à Port-Louis".

After searches undertaken by the

#### Reference 919 - 0.01% Coverage

Truth and Justice Commission 214

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS • Firmin Lisette, 12th August 1821, (16th October 1826) The census was done in Flacq.

She further adds that the

#### Reference 920 - 0.01% Coverage

maiden name was Félicia Milazar.

She did not know if the Lisette family owned a plot of land until one Rigobert of the Nelson Mandela Centre for African Culture informed her that the Lisette family owned plots of land in Flacq, Pamplémousses, and Plaines Wilhems. She has given a sum of Rs.1,500 to the said Rigobert to undertake searches for her, but she never received any Document.

Marie Gisele Lloyd wants to recover any land belonging to the family.

Searches undertaken by the Commission revealed in the "Case Hypothécaire" of Alfred Lisette, there existed a plot of land of extent 95 perches which has been sold to Beau Séjour Sugar Estate at Pamplémousses on 19th February 1894 as evidenced by TV 209 No. 87.

There is no plot of land in the name of the other Lisette. \*\*\*\*\*

CASE NAME: LABONTE TJC/ L

#### Reference 921 - 0.01% Coverage

L/0103/VF/ LABONTÉ ANTOINETTE

The applicant, Antoinette Labonté, writes that her mother, Emma Albertine Labonté, who passed away some 10 years ago, bought, since she got married, a plot of land at Eau Coulée, formerly known as Quatre Caros at present called Route Duquel. Her parents built a wooden house there, which, unfortunately, was destroyed by cyclone "Carol". Her mother contacted CHA for

the

construction of a concrete

#### Reference 922 - 0.01% Coverage

remaining sum was Rs. 400.

On the death of her mother, the land and the house were sold by to one Georges Couronet of Laperousse Road, Eau Coulée. The latter has urged applicant and his family to leave the place. Antoinette Labonté maintains that she does not understand how her family has lost both their land and their house. The applicant submits both her father's name as Auguste Arnold Labonté, born in St. Pierre, and her mother, Emma Albertine, born in St. Hubert, Mahébourg. She requests to carry out searches for her.

Searches undertaken by the Commission

#### Reference 923 - 0.01% Coverage

Commission have revealed the following:

Arnold Labonté acquired in 1942 a plot of land of the extent of 0A50p at Eau Coulée from one Mallet. Subsequently, he sold: • 24 p to H.Halooman on 29th November 1950 (TV 833 No. 118) • 10 p to Abdoolah on 17th November 1962 (TV 866 No. 88); and • the "solde" of the land (about 16p) was seized by the CHA on 9th August 1993

The plot of land was purchased by G.Beauharrais on the same day, the 10th December 1993 as evidenced by TV 1240 No. 30.

\*\*\*\*\* Truth and Justice Commission 215

#### Reference 924 - 0.01% Coverage

Truth and Justice Commission 215

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ADELE

TJC/ L/VF/0105/ ANODIN

#### Reference 925 - 0.01% Coverage

born ADELE) & ADELE JEAN BAPTISTE

The applicants, in the name of the Anodin and Adele family, put two claims before the Commission to have ownership rights over 2 portion of land: 68 Arpents (Bigara Cemetery) and 9 Arpents (Allée Brillant). Case 1 According to applicants, Marie Noëlle Anodin and Jean Baptiste Adèle, their family owns a plot of land of 68 Arpents at Bigara Cemetery. The proprietor of this land was Adèle Delmazie. There were tombs of Adèle's family on the land. Now planters are cultivating onions on the land.

Case 2 The applicants further aver that their family owns a plot of land of 9 Arpents at Allée Brillant which formerly belonged to one Amédée Baudau.

They want to get back the above plots of land.

In support of the claims, the applicants produced a deed under private signature (sous seing privé) dated 11th September 1880, wherein Pierre Françoise, "fils naturel de Marie Françoise" recognizes to have sold to Amedée Baudoo and Jean Baptiste Adèle, half undivided for each for the price of Rs. 160, a portion of land of extent of 9 Arpents to be excised from an extent of 27 Arpents "que j'ai succédé de ma mère Françoise, qui avait fait l'acquisition de Mademoiselle Geneviève Chenier" as per TV 138 No. 89.

No survey plan has been

#### Reference 926 - 0.01% Coverage

case. They never made it.

In the absence of the title deed or any other relevant document concerning the land of 68 Arpents, the case cannot be considered. The applicants rely on a deed under private signatures concerning the claim of the land of 9 Arpents in which his ancestor had left undivided rights. No other documents have been submitted and the plan of distraction.

There is, however, an entry in the "Case hypothécaire" of Jean Baptiste Adèle concerning the land of 9 Arpents, no affidavit has been produce to establish that the applicants are entitled to a share in the land, nor does the Commission made aware about the actual occupier of the land.

\*\*\*\*\* Truth and Justice Commission 216

#### Reference 927 - 0.01% Coverage

Truth and Justice Commission 216

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: THELVA TJC/ L/0106/VF/ THELVA JUDEX SYLVIO

The applicant, Judex Sylvio Thelva, writes that his grandfather was the sole owner of a portion of land on an extent of approximately 112 toises at Rue Villeneuve, now Rue Maurice, and Mahébourg. In 1991, he came to be informed that one Idriss Aumerally has prescribed the said property. At this stage, I. Aumerally and his children are all deceased. The said prescription has not been done in conformity with the law. Applicant has access easily to the premises. Nobody is occupying the land on the side of I. Goomany.

Patricia Thelva, for her part, writes that her great-grandfather François Dauphine and wife owned a plot of land situated in Grand Port. No document has been submitted nor is there any indication of the location of the land.

Right on the outset, searches

#### Reference 928 - 0.01% Coverage

in TV 1074 No. 221.

From searches made by the Commission in "Répertoire" 504 case 203 reveals that Désiré Laval Thelva sold the undivided rights in the plot of land of extent 100 toises in portion of above to J.S. Thelva on 15th November 1978 as per TV 1426 No. 122.

However, there is no indication that the above plot of land having been prescribed by Idriss Aumerally. "Répertoire" 385 No. 501 does not reveal that information.

The Commission has been made

#### Reference 929 - 0.01% Coverage

TJC/ L//0108/CARVER RHODES

Rhodes Carver says that his grandfather, Elias Carver, owned a plot of land of 6 Arpents 50 perches at Roche Bois. The land has been sold by the same Elias Carver to Nichabay Ramchodji Nayak in 1939. But, the elder members of the family are also aware that Nayak has not honored the conditions of the sale. At present, the land is bare. A report of Land surveyor Dumazel states that this land consists of six portions belonging to various persons. These portions are related to the Carver land. Rhodes Carver adds that the family has been informed that now somebody wants to sell the land.

A site visit was arranged with Rhodes Carver on 11th March 2010 and he was informed that Elias Carver has already sold the plot of land of extent of ½ Arpent on 17th April 1932 as evidenced by TV 446 No. 62. Searches undertaken by the Commission reveal that, in fact, Elias Carver was the owner of a plot of land an extent of about 6 ½ Arpent in virtue of title deed transcribed in Volume 416 No. 482, which he sold on 17th April 1932 in virtue of titled deed transcribed in Volume 446 No. 62.

Truth and Justice Commission 217

#### Reference 930 - 0.01% Coverage

Truth and Justice Commission 217

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

During the site visit carried

#### Reference 931 - 0.01% Coverage

MEDAN MARIE JOSEPHE, born ALIPHON

Marie Josèphe Médan avers that her ancestors, the Aliphon family, purchased a plot of land in 1859 at Poste de Flacq. According to the contract, the land consisted of 3 portions. The Aliphon family occupied 2 portions belonging to Pierre Léoville Aliphon and Marie Adrienne Aliphon respectively. Marie Josèphe Médan and her husband have discovered that part of their heritage has been prescribed in 1997. The family wants to get back the prescribed part.

Searches undertaken by the Commission reveal that following TV 67 No. 275 dated 12th August 1859, Dogerville Aliphon acquired a plot of land of the extent of 1 Arpent (4220.87 m<sup>2</sup>) at “Le Poste” in the District of Flacq from Ernest Reynold. Part of that plot of land of the extent of 1603.93m<sup>2</sup> has been prescribed by one Cassam Ramjan as per survey report of Land surveyor L. Y. Sakir registered in L.S 28 No. 14466 and transcribed in TV 3104 No. 67 on the 23rd February 1993. (Register 511 No. 5052 refers).

Subsequently Ramjan sold the above plot of land of the extent of 1603.93 m<sup>2</sup> to the following: • His son Feroze Ramjan - a portion of land of the extent of 593.13m<sup>2</sup> as per TV 3435 No. 12; • Premnath Goojah - a portion of land of extent 295.46m<sup>2</sup> as per TV 4573 No. 42;

• Another son, Naushadally Ramjan - the remainder of the plot of land found to be of extent 533.89 m<sup>2</sup> as per TV 4573 No. 43.

From the above, an extent

#### Reference 932 - 0.01% Coverage

TJC/ L/0110/ SEETUL ARAVINDRANATH

Aravindranath Seetul, the applicant, writes in a letter that his grandfather Adjoodah Seetul married Phooljareeah Deewoo. He was born after the death of his father. His mother bought more than an acre of land.

It was only when his mother died that he was informed that he was the owner of that plot of land found at Mon Désir, Paillote. He discovered then that the land was occupied by Truth and Justice Commission 218

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two persons; one of them had prescribed the land. He requests the Commission to allow him to get back the land.

Searches carried out by the

#### Reference 933 - 0.01% Coverage

in the Name Index Register.

As regards Horil Gunness and Shan Yan Tow Cheong Wong who have allegedly prescribed their land, there is a Court case in file bearing case No. 164/90 wherein there is a judgment following a settlement of parties to the effect that a portion of OA 13 perches is to be allocated to Horil Gunness and a portion of OA 10 perches to Shan Yan Tow Cheong Wong.

On 10th May 2011, the applicant's daughter, Darshinee, informed the Commission that the applicant passed away. There is no document in her possession. She was invited to contact her uncle and see if any document concerning the land could be traced out.

On 31st May 2011, the applicant's brother Doomun Seetul called at the Commission to say that he could not produce any document, or any title deed concerning the land of 1 Arpent at Paillote. He confirms that there was a Chinese shop on the land -and several houses are occupied by several persons.

He further states that his grandmother had purchased the land from Trianon Estate, together with the shop. His grandparents lived on the land.

One Ahmed Sayed Hossen had prescribed the land of extent of 35 p and sold part of it to Tow Chong Wong as per TV 529/106; and Boodeea Beeharry has prescribed 57 ½ p as evidenced by TV 1349 No.135.

In view of the fact that the plot of land claimed is more than 1 Acre, Aravindranath Seetul has been advised to initiate action to have the surplus of land prescribed.

\*\*\*\*\* CASE NAME: RAMSAMY TJC/ L

#### Reference 934 - 0.01% Coverage

TJC/ L/0111/ RAMSAMY IRÈNE

The great grandmother of applicant, Irène Ramsamy, owned a plot of land of approximately 500 toises at Mangue Vert, Doux, at Bambous since 1850. In 1965, permission was granted by applicant to one Frank Marion to cultivate the land. In about 1992, the family received a letter to the effect that one Emile Autard has prescribed the land and sold it. The family and Frank Marion went to Court and the judgment was in favour of the new owner. They want to get back the land.

Even if this were a

#### Reference 935 - 0.01% Coverage

Truth and Justice Commission 219

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ANTHONIMOOTOO TJC/ L/0112/VF/ANTHONIMOOTOO GEORGES CHRISTIAN

The applicant, George Christian Anthonimootoo, writes that one Ramparsad, a CHA tenant, has erected a wall, blocking the entrance to all inhabitants of C.H.A Housing estate, Hibiscus Road in Grand Bay on a State land. The inhabitants can no longer use this plot of land for their cars. They are aware that the plot of illegally.

land belonging to Government cannot be prescribed nor occupied

The Truth and Justice Commission

#### Reference 936 - 0.01% Coverage

0113/VF/ ALLET JOSIANE CLOEE

Josiane Chloé Allet born Figaro filed two cases at the Truth and Justice Commission. In the first case, she avers that her mother, Luciany, Perne, has always talked about land owned by her grandmother at Riambel and Chamarel. She would like to know if the land still exists. In the second case, Josiane Allet avers that her father Louis Marcel Figaro also possessed land at Mahébourg. In both cases, the applicant requested the Commission to retrieve the land at Riambel, Chamarel and Mahébourg, if ever they were available.

There is nothing in file which would enable the Commission to carry out searches to sustain her request concerning the land.

The only name given is

#### Reference 937 - 0.01% Coverage

LABAVARDE), LABAVARDE JEAN CLAUDE & others

Mireille Rioux, Jean Claude Labavarde & Others write that their family owned a plot of land in Le Tombeau, Arsenal. The family said that they have been deprived of this land. They want to know what has happened and to get back the land.

The Commission inquired into the

#### Reference 938 - 0.01% Coverage

Truth and Justice Commission 220

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: LECERF TJC/L/L/0117/ LECERF SYLVIE

Sylvie Lecerf put two cases

#### Reference 939 - 0.01% Coverage

Estates and by the Church.

Case 1 According to the applicant her great-grandmother married one Robert Lecerf. The latter owned a plot of land of 635A at l'Etoile, Beau Champs. Robert Lecerf, the grandfather died and the land was left unoccupied.

Estates. Sugar cane is being cultivated there and a hotel also has been built on the land. Lecerf family wants justice to be done and compensation for the illegal occupation of the land.

Case 2 Robert Lecerf owned a plot of land found at Quartier–Militaire. Since then, a Catholic Church has been built on this land. They want to get back the land.

In both cases, no document

#### Reference 940 - 0.01% Coverage

family tree have been submitted.



After searches undertaken by the Commission, it has been found that the name of Robert Lecerf does not appear in the "Répertoire" or in the Name Index at the Register of the Conservator of Mortgages. So, it appears that Robert Lecerf has no land inscribed in his name.

As for the second claim for a plot of land on which there exists a church, the Saint Léon Church, the same land is also being claimed by Patrick Webb/ Changkye in another file (Cross Reference: TJC/L/0046/ WEBB PATRICK /CHANG KYE) - CASE NAME: DIORE/CHAN KYE.

\*\*\*\*\*

Actually, avers the applicant, it

#### Reference 941 - 0.01% Coverage

before the Commission for investigation:-

- a plot of land of extent of 2/3 Arpent at Quartier de la Savanne.
- a plot of land of 4 Arpents at Curepipe purchased by his ancestors in 1854 which has been prescribed by Alphonse Lagesse which is presently part of the grazing land of Constantine Limited.
- a plot of land of 34A at Bois Cheri, Grand Bassin known according to oral tradition as "terrain Beeharry."

Case 1 On 26th Nov 1879, l'Indien Beeharry bought a plot of land of an approximate extent of 2/3 Arpents at "Quartier de la Savanne". This plot of land formed part of a larger portion of land. When applicant's grandfather died, he left his property to 2 heirs: applicant's father and applicant's uncle. Applicant's father moved so much on account of his work that he could not look after the land. At present, sugarcane and vegetables are planted on this land by people who are occupying the land illegally. Now, there are 15 heirs for this land.

Truth and Justice Commission 221

#### Reference 942 - 0.01% Coverage

Truth and Justice Commission 221

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Case 2 A plot of land of 4 Arpents was purchased by l'Indien Beeharry at "Quartier des Plaines Wilhems", Curepipe, in 1804. At present, the land is grazing land. Société Constantine is the owner of the whole plot of

land situated at 16eme mille. This plot has been fenced including the portion belonging to the Beeharry family. Applicant says that the land has been prescribed by Constantine Ltd. According to Land surveyor Jean Jacques Desmarais, the land has been prescribed by Alphonse Lagesse and sold to Honorable Tristan Mallac and Constantine Ltd.

Case 3 The applicant adds that his great-grandparents were also owner of a plot of land of 34 Arpents at Bois Cheri, Grand Bassin. According to oral tradition, the land is known as "Terrain Beeharry".

Searches undertaken by the Commission

#### Reference 943 - 0.01% Coverage

Commission have revealed the following:

Case 1: Beeharry No 234431 bought a plot of land at Savanne of extent of 2/3 Arpents on 19th November 1879 from F. Ganachaud as per TV 134 No. 429 and another plot of land at Savanne of the extent of ¼ Arpent on 29th September 1885 from one Ramkhalawon as per TV 168 No. 359. He sold the bare ownership

of these 2 plots of land to F. O. Beeharry on 11th February 1890 as per TV 190 No. 4 in consideration of a price of Rs. 785 and the usufruct to Auskurrin and others. Mr. Abdool Satar Beeharry does not know the location of the plots of land nor has he produced a Constat Report.

The claim to the effect that the plot of land of 2/3 Arpents at Savanne allegedly prescribed by Britannia Sugar Estate does not hold.

Case 2: It is an interesting case. The former Land Surveyor Gustave de Coriolis sold to Beeharry 234431 a plot of land of the extent of 4 Arpents excised from Terrain D'Avray on 28th November 1881 under TV 143 No. 391 for the price of Rs 480, De Coriolis having himself bought it the year before from Jules Levieux under TV 142 No. 41.

It appears that on the 1st December 1937, Alphonse Lagesse prescribed the said plot of land together with other plots making a total extent of 34 Arpents 01 perches. In the survey report drawn up by Land surveyor Jean Jacques Desmarais dated 14th February 2006 registered in Reg. A 690 No. 1570 at the request of J. M. Antoine Harel, representative of "Constantine Limitée", it is clearly indicated that the 4 Arpents plot of land having belonged to Beeharry 234431.

It is also stated in

#### Reference 944 - 0.01% Coverage

indeed a case of dispossession.

Case3: The plot of land of 34 Arpents at Bois Chéri, Grand Bassin is nowhere to be found in the "Case Hypothécaire" of the ancestor. It still remains in the "oral conscience" and memory as "Terrain Beeharry".

If the first and third cases cannot be considered, the second case concerns a land which had already been sold to Beeharry. Today the Beeharry cannot have access to their inheritance because the land has been enclosed and included in a prescription.

\*\*\*\*\* Truth and Justice Commission 222

#### Reference 945 - 0.01% Coverage

Truth and Justice Commission 222

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: PADAYACHY TJC/L/0116/CATHAN PADAYACHY MAREEYAYE

Mareeyay Cathan Padayachy, the applicant, relates one of the saddest adventure that had occurred in her life with the loss of her property and that of the whole family through lack of experience in doing business, and who, most unfortunately fell into the hands of a money lender. She relates that the land belongs to the grandfather of the grandmother of her father. They bought the land for her grandfather (Goinsamy Cathan Padayachy) who had 3 children (two daughters and one son). When applicant's grandfather died, the two daughters gave the land to their brother (applicant's father, Cathan Mootoo Katha Padayachy). She was the only child of her parents. When her mother died, Yanum Valaydon, she was looked after, and she took care of her grandmother until her father remarried her mother's sister.

The applicant worked as a

#### Reference 946 - 0.01% Coverage

as a social worker benevolently.

In 1990, her father helped her by giving her the land which is situated in Vallée-des-Prêtres. The land was about 2 Arpents 16 perches on which a house of more than 2000sq'ft was built. This house was one of the first concrete houses in Vallée-des-Prêtres.

She stayed in that house

#### Reference 947 - 0.01% Coverage

270,000 Rs. 30, 000

In 1993 she had to pay back the sum of Rs. 1,345,000 to Hurree. She turned towards another money lender to reap the amount requested to pay to Hurree. She was asked to put another plot of 25 perches of land as guarantee to the second money lender, but the DBM had a bond on the land.

Since she had taken too much money from DBM, which amounted to some Rs. 240,000, there were 5 mortgages on the land.

After 6 months, Hurree pressed her to pay back the total sum of Rs. 1.3 million. She had to mortgage the land. The only recourse was to sell her land, but the total amount reaped was insufficient to repay her debt. All her property was seized

#### Reference 948 - 0.01% Coverage

Truth and Justice Commission 223

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
\*\*\*\*\* CASE NAME: LABUTTE TJC/ L/0118/ LABUTTE

Louis Alex Labutte avers that he is one of the descendants of Louis Maurice Le Père de La Butte who was allegedly the owners of several portions of land namely, (1) 315 Arpents at Tamarin, (2) 180 Arpents at Petite Rivière Noire, (3) 490 Arpents at Coteau Raffin, (4) 29 Arpents at Baie du Tamarin and (5) 8¼ Arpents at a place between Cascavelle and Rivière Noire.

Louis Maurice had a son

#### Reference 949 - 0.01% Coverage

child, Jean François La Butte.

Guillaume gave a plot of land of 8¼ Arpents to Toinette (citoyenne de couleurs affranchie) and her six children on 31st August 1800.

According to the provisions of

#### Reference 950 - 0.01% Coverage

TJC/ L/0119/ PIERRE SAWDIC

This is a non land case. The applicant, Pierre Sawdic declares that from a document found at the Nelson Mandela Centre for African Culture, his ancestors came from Mozambique. His family name is Pierre, whereas his sister's family name is Couronne. He ignores why and how he does not bear the family name of his father which is Couronne. He wants to regain the name Couronne instead of Pierre.

The Commission has advised the

Reference 951 - 0.01% Coverage

Truth and Justice Commission 224

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: UJOODHA

TJC/ L/0125/ SEEGOOLAM KAMLA

Reference 952 - 0.01% Coverage

born UJOODHA) and LOCHUN DEWANTEE

Kamla Devi Seegoolam's mother, Kevelee Ujoodha, owned a plot of land of an extent of 79 perches or 82 ½ perches at Athon Street, Pointe-aux-Piments, as per Volume 847 No. 35. On the death of applicant's mother, the land was shared among the heirs. A small part of the land (8 ⅓ perches) remained on the name of applicant's mother. This portion was prescribed by applicant's sister-inlaw.

The Commission carried out extensive

Reference 953 - 0.01% Coverage

case because of its complexities.

Following a division in kind K. Ujoodha v/s J. Ujoodha registered and transcribed on 16th March 1961 in TV 847 No. 35, Kevelee Ujoodha was attributed the following portions of land namely: •

•

19 perches out of 25

Reference 954 - 0.01% Coverage

that is, about 10 perches.

At folio (10) one Amritha Seebun caused to be prescribed on 2nd December 2002 a plot of land of 347 m2 (about 8 ½ perches) as per TV 5063 No. 54 (the very surplus of land of Kevelee Ujoodha).

It is further noted in

Reference 955 - 0.01% Coverage

Amritha Seebun has occupied for

more than 30 years, since the 2nd February 1968, the above plot of land and is still occupying in a peaceful, public and continuous, uninterrupted, unequivocal and "Animo Domini" à titre de propriétaire and in an apparent manner".

The Commission is of opinion that the applicant be advised to retain the services of an Attorney and a Counsel to enter a case before the Supreme Court in order to declare the prescription null and void and to apply for a Writ of Injunction to prevent the sale of the land prescribed.

\*\*\*\*\* CASE NAME: JACQUES RENE

TJC

#### Reference 956 - 0.01% Coverage

GEORGES FRANCE TJC/L/0147

Rosemonde Camangue claims to be an heir of René Jacques and submitted several documents to sustain her averment. In 1827, René Jacques, "homme de couleur", she avers, was the owner of 120 Arpents in the "quartier de la Savanne". Out of this property, a plot of land of an extent of 20 Arpents was leased out to Gros Bois Sugar Estate for a period of 3 years as from 22nd February 1867. The lease was made between Jacques, the children and the estate. In spite the fact that Gros Bois Estate did not pay completely the lease they continued to occupy the land after the agreed period of 3 years. The Estate and Notaries declared that the heirs have sold the land to one Chuttoo, to one Churendoss and other people

#### Reference 957 - 0.01% Coverage

Truth and Justice Commission 225

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Rosemonde Camangue is of the

#### Reference 958 - 0.01% Coverage

Justice Office, avers Rosemonde Camangue.

The heirs made a "manifestation" (demonstration) on the occupied land at la Flora. A letter was sent by Attorney Fulena to the Attorney General, the Permanent Secretary of the Ministry of Finance, the Consortium BBHM Holdings Ltd asking for the restitution of the land to the heirs of René Jacques.

A declaration was made to

#### Reference 959 - 0.01% Coverage

have recourse to civil remedy.

A permit to develop for an excision of a plot of land of an extent of 8441.74 m<sup>2</sup> out of the 506842.06m<sup>2</sup> belonging to the heirs of late René Jacques, for agricultural purposes was granted to Rosemonde Camangue. She adds that one J. Sylvain Ricaud, one of the heirs, is at present receiving a certain sum of money from the Estate.

The family wants justice to be done in their case and that the land be restituted.

An analysis of the whole case undertaken by the Commission reveals in 1827, that René Jacques purchased two plots of land; the first one being of an extent of 60 Arpents, made up of 38 Arpents 24 and 21 Arpents 84 and another plot of 60 Arpents.

From the "Case hypothécaire" submitted

#### Reference 960 - 0.01% Coverage

Court because there were minors.

The land of 120 Arpents was divided into 9 plots and distributed to each heir, two portions land of 6 Arpents 66 perches each.

However, only 20 Arpents out

#### Reference 961 - 0.01% Coverage

to the division in kind.

Estate continued to occupy the land. Searches at the Registrar General's Office carried out by the Commission in the names of

• Louis Evénor Jacques; • Marie Louise

#### Reference 962 - 0.01% Coverage

their lands by small lots.

Rosemonde Camangue has been advised to retain the services of a Land Surveyor to make further searches to know whether there is still property belonging to heirs René Jacques.

It appears that after the

#### Reference 963 - 0.01% Coverage

Truth and Justice Commission 226

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: SUHAWON ALAMAN  
TJC/L/0121/SUHAWON SOWKATALLY

Sowkatally Suhawon, the applicant avers that his father told him that the Suhawon family owned numerous plots of land inherited from Ahlaman Suhawon, his grandfather: 25 Arpents at Grand Port, 5 Arpents 18 perches at Savanne, 100 Arpents 50 perches at Grand Port; 100 Arpents 8 p at Cent Gaulettes, Mahébourg; 1 Arpent 50perches at Grand Port.; 37 Arpents 1 perche, 26 Arpents 14 perches; 397 Arpents 67 perches at Cluny; 2 Arpents at Courteau de Gros Bois, Grand Port; Trois Boutiques; 1 Arpent 50 perches at Grand Port; and 50 perches from his father, Ahmod Suhawon. The heirs think that they have been dispossessed by Mon Desert Mon Trésor Ltd.

The applicant requests the help of the Commission to locate the plots of land.

After searches made by the Commission, it is revealed that late Ahlaman Suhawon was the owner of several plots of land in Grand Port/Savanne Districts.

Even if some documents have

#### Reference 964 - 0.01% Coverage

to fully investigate their claim.

However, the copy of a deed drawn up by Public Notary Edouard Lesur on 13th July 1915, reveals the sale by Louis Noël, Paul Montocchio, Maurice Montocchio and George Montocchio of "Paul Montocchio et Compagnie" to Ahlaman Suhawon of a plot of land of an extent of 675 Arpents commonly known as "Sauveterre" situated at Les Mares and composed of 3 plots of consideration of a price of Rs. 425,000.

land, in

At the moment of the

#### Reference 965 - 0.01% Coverage

500 on 31st January 1919

The above mentioned plot of land is burdened with conventional charges, namely Rs. 300,000 dated 27th May 1915 in favour of L. M. Noël & Co and another conventional charge in the sum of Rs. 47,000 dated 5th September 1928 in favour of K. H. Cassim. These charges have not been erased

In view of the fact

#### Reference 966 - 0.01% Coverage

belong to succession Ahlaman Suhawon.

In the light of the above, succession Ahlaman Suhawon has been advised to retain the services of a Land surveyor to make a "Constat report" on land having belonged to late Ahlaman Suhawon in order to know which property has not been sold.

\*\*\*\*\* CASE NAME: SOOKHARRY TJC/ L

#### Reference 967 - 0.01% Coverage

who owned several plots of

land throughout Truth and Justice Commission 227 the island. He avers that Balgobin

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Sookharry, his brother Lutchmun and

#### Reference 968 - 0.01% Coverage

the transactions of the family.

Paduramvir Sookharry requests the help of the Commission for all cases: he avers that his family has paid for the services of several lawyers, Notaries and Land surveyors but these people never did anything to enable the Sookharry family to recover their lands. They have spent a lot of money to undertake research and to try to get back the lands of their grandfather. They want the Commission to locate the lands owned by Balgobin Sookharry, to cancel the prescription and get back the land of their grandfathers.

Case 1 When Balgobin Sookharry died, Juggeanlal Dooblall took advantage of the situation and made Canchanlall Sookharry believe that part of the land that his father owned at Montagne Blanche was for him. Juggeanlal Dooblall convinced Canchanlall Sookharry to lease out one portion of land of 70 perches to him for a period of nine years as from 30th November 1970 until 30th November 1979. At the end of the lease, Dooblall continued to occupy the land. He is now occupying all the land belonging to Sookharry at Montagne Blanche. An affidavit which - according to applicant, is false - has been sworn in to the effect that the grandfather, Balgobin Sookharry, has died without any heir.

Case 2 On the grounds that the applicant and his sister are false heirs, Dooblall entered a case in Court against him and his family making a false accusation that they have bulldozed 'his' land in Nouvelle France. The applicant does not know where this land is found and thinks that it is possible that this land belongs to the heirs of Balgobin Sookharry.

Case 3 The applicant avers that during his searches, he discovered that Balgobin Sookharry owned several plots of land throughout the island, some being located in Camp Fouquereaux & Quatre Bornes. When he went

to the Registrar General's Office

#### Reference 969 - 0.01% Coverage

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- Lutchmun Sookharry is not the

#### Reference 970 - 0.01% Coverage

875 dated 19th July 1974.

- A perusal of "Case hypothécaire" 337 No. 414 revealed that the only plots of land belonging to heirs Balgobin Sookharry are 56 perches at Montagne Blanche acquired from R. Lauraté and others on 17th July 1944 as per TV 484 No. 416, and 2 plots of land prescribed by him on 14th January 1948 of extents 59 perches and 70 Perches as per TV 516 No. 186.

All the other plots of land claimed by R. Paduramvir Sookharry, purportedly having belonged to Balgobin Sookharry, have been sold out.

\*\*\*\*\* CASE NAME: BESAGUE TJC/ L

#### Reference 971 - 0.01% Coverage

L/0123/EDOUARD LOUIS GERARD

Louis Gérard Edouard, the applicant, says that his family has been staying on a plot of land at Labondance Petit Val (near Chamarel) since very long. According to him, the family got that plot of land from their great-grandfather on his mother's side, one Adelaïde Bésague, in the late 19th century. They had their home there and even had their own pineapple plantation.

On 7th May 2007, they were asked by Government to move to Contour Prune, Choisy, by the National Park. According to that letter, it was made clear that the plot of land formed part of the National Park.

The applicant says that the family refused to move to Choisy because they have been living there since childhood and the plot of land was his great grandfather's.

They request the Commission to get back their land and to tell them the exact extent of land they own.

Following searches undertaken by the Commission, there is no land inscribed in the name of Besague or Bezegui in the "Répertoire" of the Registrar General's Office.

In fact, an attempt was made on 22nd June 1990 by one Laurent Bézaguy to prescribe a plot of land of the extent 244810.40 m2 (about 58 Arpents) at Chamarel following a survey report of Sworn Land surveyor Louis Maurice Dumazel. Laurent Bézaguy did not pursue further that attempt. None of the adjoining owners given in the survey report are owners of land at Chamarel. In view of the fact that some of them have already been served with " Notice to Squatter", there is no indication that they are owners of land of Chamarel as they have squatted on forest lands.

The history of the case concerning this plot of land and the incident related in the said case before the Magistrate do not help

#### Reference 972 - 0.01% Coverage



the Magistrate says a lot.

The applicant has been advised to liaise with the Ministry of Housing and Lands in order to obtain a proper State land lease as the plot presently occupied is indeed included in the National Park.

\*\*\*\*\* Truth and Justice Commission 229

#### Reference 973 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: TOOLS Y TJC/ L/126/ TOOLS Y NOWRUTTUN

Nowruttun Toolsy, the applicant, says that his father died on 1986. According to him they had a plot of land at Pointe-aux-Piments of 1 Acre 37. The applicant explains that he has received a letter from the Registrar telling him that indeed he owns the plot of land, but his father's cousin has prescribed the land. His Attorney at Law told him that he could not have the land back again. Toolsy says that he has made an application for a title deed, but his uncle has lost it while doing research works on the said land. Nowruttun Toolsy wants restitution of the land.

Upon the request of the Commission, Nowruttun Toolsy was called to state where the plot of land is exactly situated. He answers that he does not know the exact location of the land. He stated that, according to information received from relatives, it appears that the land, which he believes, to belong to his father, uncles and grandfather is waste and unoccupied. He was advised that he ought to contact a Land surveyor or any other surveyor as soon as possible to make an assessment and give a site/ location.

He was also advised to afterwards report the matter to the Land Fraud Squad at Line Barracks. It will then be easier to explain to the Land Fraud Squad about his complaint.

The Commission is of the opinion that his share in the said portion of land of 1 Arpent 37 perches amounts to 1/28 only.

\*\*\*\*\* CASE NAME: HANNELAS TJC/L

#### Reference 974 - 0.01% Coverage

HANNELAS MICHEL GEORGES ANGE CYRIL

Georges Michel Ange Cyril Hannelas, the applicant, and other members of the family declare that they are heirs of Mathurin Jeannot through one Yolande Hannelas, born Farla, the mother of the heirs. Mathurin Jeannot bought a plot of land from one Lejuge in 1814. Many plots of land exist together and the total makes up about 156 Arpents. The land is found in the district of Black River, more precisely, at Albion but the applicant does not know the exact location.

To be able to sell the land, the heirs, the Hannelas family, together with the Dimba family, have started searches for the missing documents. They declare that the research has been made by Jean Claude Labavarde and one Rambert who are land promoters. All the searches have been done by these two persons only. The applicant has been swearing an affidavit upon the request of Labavarde as there are errors regarding the names of the heirs. They are still waiting for this affidavit since the 10th July 2009.

In August 2009, Labavarde told

#### Reference 975 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: FRICHOT TJC/ L/0128/ GENEVIEVE PAUL JOSE Cross Reference: FRICHOT Serge Claude A. & others TJC/L/0005

The applicant, Paul José G  n  v  , says that her mother used to say that they had a lot of land in Riv  re Noire. He does not know where they are found. He went to the Registration and Mortgages' Office and got a list of a few lands in Riv  re Noire. The family requests assistance from the Commission to find out documents and lands.

Paul Jose G  n  v   claimed that his mother had told him that they had a lot of land at Riv  re Noire. He did not know the location of those plots of land nor had he any plan in his possession. Only one title deed TV 39/212 has been produced.

He had copies of 3

#### Reference 976 - 0.01% Coverage

was married to L  ocadre Ashme.

The applicant has failed to supply the required precise information for the lands he is claiming and in the absence of more precise land data, it would be impossible to carry out searches.

\*\*\*\*\* CASE NAME: FIGARO TJC/L

#### Reference 977 - 0.01% Coverage

TJC/L/0129/FIGARO GUICHARD

Guichard Figaro, the applicant, says that his great-grandfather owned a plot of land at Olivia. The latter was a Malagasy who came to Mauritius as a slave. His grandfather used to tell him that the Figaro family owns a plot of land there even if neither he nor any member of his family has seen the land in question. After having made some searches on his own, the applicant was able to have a copy of the contract of the land, TV 91 No. 5, at the Registrar General's Office.

He made a request to the Commission to enquire into the present situation of land and to restitute the land to the Figaro heirs and to investigate other plots of land which the Figaro might own in Moka.

Although searches carried out at the Registrar General's Office revealed that the names Jean Elidor Figaro and Israel Figaro do not appear in the Name Index, analysis of the "Case hypoth  caire" of Jean L  onel Figaro and Bertraud Figaro revealed that there is one plot of land for the Figaro family in Moka. Furthermore, analysis of the deed of sale TV 91 No. 5 dated 11th July 1866, Louis Etienne Figaro did acquire a plot of land of    Arpent at Flacq, 'Les Trois   lots', from Louis Hilaire Tagman, in consideration of a price of "50 piastres" and a portion of land of extent 2 Arpents at Moka as per TV 53 No. 20, transcribed on 14th April 1852.

When he passed away in 3rd July 1896, the plot of land has devolved on his heirs, namely his son Jean Elidor Figaro.

Truth and Justice Commission 231

#### Reference 978 - 0.01% Coverage

Truth and Justice Commission 231

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The Commission is of the opinion that the heirs may still initiate action, although they have not occupied the two portions of land purchased more than 150 years ago, through an Attorney/ Surveyor, to try to

retrace that plot of land which has a frontage of "32 pièces sur le grand chemin de trois llots" and the land of 2 Arpents at Moka.

\*\*\*\*\* CASE NAME: PRUDENT TJC/ L

#### Reference 979 - 0.01% Coverage

Prudent.

- She resisted the application.
- In virtue of a judgment delivered on 6th April 1999, she was ordered to quit, leave and vacate the land of 3Arpents 66 by end of May 1999.
- She appealed against the said

#### Reference 980 - 0.01% Coverage

Her husband died in 2003.

She says that she actually lives on the property of the R.P.A de Ravel Company at Tamarin, Route Royale La Mivoie. The actual proprietors have tried to evict all the inhabitants living on the plot of land belonging to the de Ravel Company

The proprietors have asked them to leave the land giving as a pretext that the old huts erected there and occupied by applicant and other inhabitants, is an eyesore which devaluates the new "Morcellement". It should be noted the proprietors have to go through this land occupied by the inhabitants to have access to the new "Morcellement",

Truth and Justice Commission 232

#### Reference 981 - 0.01% Coverage

Truth and Justice Commission 232

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The applicant claims that the inhabitants are agreeable to the proposal of the promoters, but they are worried as the promoters want them to occupy a plot of land on lease based only on a verbal agreement. A deed will only be given to them after two years.

Now, applicant and the other

#### Reference 982 - 0.01% Coverage

inhabitants are at a loss.

The applicant Rebet says that she has in her possession all her electricity bills that she has paid since she has been living on the plot of land. The Commission was keen to take up the case as applicant was requesting assistance.

On 5th August 2010, the Land surveyor and Senior Attorney of the Commission talked to the applicant on the phone. The Commission has thus been appraised that the matter has been settled and that the applicant does not wish to proceed any further with the application.

\*\*\*\*\* CASE NAME: AGATHE TJC/ L

#### Reference 983 - 0.01% Coverage

0133/VF/ AGATHE MARIE DENISE

The applicant, Marie Denise Agathe, states that her mother's name was Vélienne Agathe, her grandmother's name Rosemay Agathe, and they are both deceased. She has four children. She submitted several birth and death certificates, with the wish that the Commission find out if she might have inherited any land somewhere in the country.

Searches were indeed carried out

#### Reference 984 - 0.01% Coverage

0136/VF/ RAMSAY ELSIE MARGARETTE

The applicant, Margarette Elsie Paulin, says that she is heir of Mylius Paulin and Georgina Paulin who each owned 2 Arpents out of a larger plot of 4 Arpents in the region of Rivière des Calebasses. She declares that it is possible that Georgina Paulin sold her part. The remaining 2 Arpents (Mylius Paulin's part) is, according to applicant, still the family's property. Applicant does not have any document but still remembers that her grandparents lived and stayed on the land before. At present, the land is unoccupied and some people are saying that they have prescribed the land and that it belongs to them. Applicant does not understand how these persons have been claiming the ownership of the land.

She wants assistance with research to understand what has really happened concerning the land and to get it back as well as to know its exact extent.

After analysis of the case

#### Reference 985 - 0.01% Coverage

Adèle Paulin to Georgina Paulin.

Louis Mylius Paulin had acquired a plot of land at Rivière Calebasses, in the district of Pamplémousses, of the extent of

#### Reference 986 - 0.01% Coverage

Truth and Justice Commission 233

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

According to TV 434 No.189 dated 5th July 1937, he sold 50 "perches" to A.Y Sham Yen. The heirs of Louis Mylius Paulin claimed that there is still a portion of land belonging to them at Calebasses.

However, TV 435 No. 66 confirmed that Louis Mylius Paulin has, in fact sold 57 "perches" of land and not 50 "perches" as mentioned in TV 434 No. 189. It must be noted that TV 435 No. 66 is in fact a rectification of TV 434 No. 189.

This being so, the heirs

#### Reference 987 - 0.01% Coverage

hold any property at Calebasses.

Moreover, as regards the land of 4 Arpents mentioned in the summary, this plot of land does not appear in the "Case hypothécaire" of Louis Mylius Paulin.

\*\*\*\*\* CASE NAME: MURTHEN TJC/L

#### Reference 988 - 0.01% Coverage

TJC/L/0138 CHEDUMBRUM MOONEEAMAH

Mooneeamah Chedumbrum claims that his family is the owner of a plot of land of 35 perches at Henrietta, Vacoas. On humanitarian grounds, they allowed one Mariaye Matchiapen to live on a part of their land of 507 m2 where there was a small house made of wood and corrugated iron sheets. Without the consent of the Chedumbrum, she pulled down the house and constructed two new houses on the 507 m2 without a housing permit.

In 1991, the case was brought to the District Court of Curepipe and later to the Supreme Court. Mariaye Matchiapen hired the services of Attorney K. Gungabissoon and the land was surveyed by Land surveyor Sureshing Bheehuspoteea. They made use of CEB & CWA bills and used one Claude Sardanam as a witness to claim the property of the land.

The Chedumbrum maintained that in 2006, they hired the services of Attorney K. D. Varmah to whom they paid Rs. 20,000 and Land surveyor Irsaad Nuckchady to whom they paid Rs 13,000. They later realized that both did nothing for the fees they had claimed. A case was lodged against them at Casernes Central and both were arrested. The Attorney and the Land surveyor returned the sum of money they took from the Chedumbrum and Attorney Varma withdrew from the case.

The Chedumbrum are from a modest background and have already spent Rs. 150,000 to regain back their land. They have 7 children who do not have any land property. One of their children is mentally retarded and they have to look after him. Both husband and wife are retired and they fear that due to lack of funds they would not be able to pay the new Attorney A. P. Mungroo whom they have hired as the case has been postponed for next year.

They request the Commission to get back their land by providing legal and other aids for this case as they have spent all their meager savings in their long struggle for justice without any results up to now.

The fact of the case

#### Reference 989 - 0.01% Coverage

the case is as follows:

Following a Division in kind drawn up by Sworn Land surveyor Randabel dated 2nd August 1921, it was attributed, amongst others, to Carpaye Murthen a portion of land of the extent of 35 perches at Henrietta, Vacoas.

According to a recent memorandum of survey carried out by Land surveyor Jeewa dated 8th April 2009, the land belonging to heirs Katpermal Chedumbrum and Mooneeah Chedumbrum has been formed to admeasure 1730 m2.

Truth and Justice Commission 234

#### Reference 990 - 0.01% Coverage

Truth and Justice Commission 234

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

It is observed that Société

#### Reference 991 - 0.01% Coverage

the transcription of the affidavit.

It is not known how the Tamil Society has been able to prescribe 436 m2 out of that plot of land. In fact the prescription is over an extent of 791.41 m2, as evidenced by TV 2354 No. 62.

The heirs of Carpaye Murthen

#### Reference 992 - 0.01% Coverage

L/0139/GATEAU MARIE MARLENE

The applicant Marie Marlène Gâteau says that her son took a loan of Rs. 100,000 from Indian Ocean International, mortgaging her house. She is of opinion that she has already paid back the loan but according to the bank, she has not reimbursed that sum of money. Her house and her land have been seized.

The case was referred to

#### Reference 993 - 0.01% Coverage

L/0140/LOUYAVA MARIE ADRIENNE

Marie Adrienne Louyava, born Soopaul says, that there are four heirs on her mother's side (Olivier Charmante, Manoir Charmante, Lixen Charmante and Noélida Charmante) Noélida Charmante. The four heirs possess a plot of land of 2 A 80 perches at Bambous. The applicant says that her step brothers named Cyril Sewpaul, built a pig pen on that plot of land which was unoccupied in 1992, while her other step-brothers Lewis, Jean-Claude Suzana, Mario Perrine and Marc Maccabla have built their houses on that plot of land belonging to the four above-mentioned Charmante heirs. It is to be noted that the heirs who have undertaken construction on that plot of land and herself have the same father but come from different mothers. Marie Adrienne Louyava's cousin entered a case in Court in 1992. The Charmante family lost their case when the Court its verdict in 1998

The family appeals to the Commission to investigate the case presented in Court in 1998 and want the restitution of the plot of land.

Truth and Justice Commission 235

#### Reference 994 - 0.01% Coverage

Truth and Justice Commission 235

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS The Commission has been made aware that there is a case pending before the Supreme Court. It appears that the case is

#### Reference 995 - 0.01% Coverage

L// 0143/TAKEN MICHEL SALONI

The applicant, Michel Saloni Taken, says that his father bought a plot of land of 9 perches at Route Palma, avenue Casquette, Quatres-Bornes from one Parsad. He built a house there. Next to this house was found another small plot of land which her father had also bought. The applicant declares that her father paid the full amount of money to Parsad and his son- in- law. However, no official document was signed regarding this transaction.

After the death of Parsad

#### Reference 996 - 0.01% Coverage

to sell the small plot

of land which applicant's father had already paid for, thinking that there was no heir to claim the land. Applicant declares that, now, the son-in-law does not want to sign the papers to finalize the sale of the land.

The Commission finds it very

#### Reference 997 - 0.01% Coverage

L/0144/AUNACHA DENWANTEE & TEERWANTEE

Denwantee and Reerwantee Aunacha, the applicants, declare that they are the heirs of Runglall Aunacha who bought a plot of land together with Jeebun Luckheea on 25th April 1916. The plot of land was of an extent of 1 Arpent 15 perches and is found in the district of Moka, Quartier Militaire, Providence. Each of these two persons owned half of the 1 Arpent 15 perches. The land has been shared among the heirs of the Aunacha family and the Luckheea family. The applicants' parents acquired the service of Land Surveyor Tupsy to survey the land in 1998. The family acquired the services of Attorney Charles Laval to make the sharing of the inherited land among the Aunacha family but he died without giving any documents to the family. According to the applicants, Charles Laval worked together with Attorney-at-law Gungabissoon but the latter has been suspended from his function and they have not been able to get any information from him. The family declares that actually three houses have been built illegally on their inherited land.

As per the file deposited

#### Reference 998 - 0.01% Coverage

2002 and 31st January 03.

Following a division in kind before the Master and Registrar of the Supreme Court on 24th February 2003 transcribed in Volume 5186 No. 20, heirs Basmatteea Aunacha and heirs Arjoon Aunacha were attributed in joint ownership 2 portions of land at Providence, Quartier-Militaire, viz: • Lot 5A of an extent of 608m<sup>2</sup> • Lot 5 of an extent of 1674.70m<sup>2</sup>.

Truth and Justice Commission 236

#### Reference 999 - 0.01% Coverage

Truth and Justice Commission 236

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Both plots of land have been at Rs. 540,000 which is equivalent to their share in the succession of Runglall Aunacha. In support of their complaint, the applicants have produced copies of building permits in the names of Dewantee Mungroo and Anouradha Jeehun and Soba Luckeea.

It appears from paragraph (4) of Folio (2) that the mother of Rajen Luckeea, Taramatee Dookun, has, in March 1998, prescribed the above plot of land of extent of 4642.96m<sup>2</sup> which was the subject of the above division in kind.

If the averment at paragraph

#### Reference 1000 - 0.01% Coverage

case against the 3 squatters.

When they presented themselves at the Commission on 26th July 2010, Denwantee and Teerwantee Aunacha were informed that Soba Luckeea had put up her house on the plot of land attributed strictly to heirs Basmatteea Aunacha and heirs Arjoon Aunacha.

It seems that Soba Luckeea

#### Reference 1001 - 0.01% Coverage

Court on 24th February 2003.

On the one hand, the Commission is of opinion that there is thus a need to declare null and void the prescription of the plot of land of extent of 4642.96m<sup>2</sup> as per TV 1873 No. 56 dated March 1988. There is also a need for the heirs Basmatteea Aunacha and Heirs Arjoon Aunacha to have the 2 plots of land lot 5 and 5 Arpents subdivided among their respective heirs with a view not to remain in "indivision". The Commission is also of

#### Reference 1002 - 0.01% Coverage

L/0145/NETTA GEORGE JOSEPH

The applicant's wife, born Marie Michelle Orange, now deceased, inherited from great-greatgrandfather Gabriel André Lemasson, a plot of land of extent of 27 Arpents 52 perches at Bras de Mer, Le Bouchon bought from one Foisy on 27th July 1836. This land has been obtained by Foisy through a "concession".

The land, though unoccupied and covered with forests, remained the property of the Lemasson family. People have been occupying illegally the land for some seven years before the applicant decides to start procedures to recover the land. An affidavit was sworn in.

A request was made to the Ministry of Agro Industry & Fisheries to demarcate the private land from "Pas Géométriques". A site visit was then made by Officers of the Forestry Department. A reply was sent on 16th January 2006 whereby the Ministry of Agro-Industries stated that the applicant's family is the rightful owner of the plot of land. The applicant was asked to look for the services of a private surveyor to have his land surveyed. No surveyor has agreed to do the surveying.

After searches carried out by

#### Reference 1003 - 0.01% Coverage

obtained same through a concession.



- Foisy sold half undivided rights (1/2 indivis) in the portion of the land to André Gabriel Lemasson (usufruit), Jeanne Adèle Macquart (usufruit) and Joseph Dominique Lemasson

Truth and Justice Commission 237

#### Reference 1004 - 0.01% Coverage

Truth and Justice Commission 237

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(nue propriété), Josephine Lemasson (nue

#### Reference 1005 - 0.01% Coverage

Collet. ("Répertoire" 12 No. 203)

- According to a survey carried out by E. Millien on 23rd October 1917 and 9th September 1918, the land acquired under (ii) was found to be 12 Arpents 76 made up of 9 Arpents 76 perches and 3 Arpents.

A "Mise en demeure" was served to (i) Sunway Estates Limited and (ii) Vijawtee Lutchigadoo requesting both of them to: (a) refrain from parceling out the aforesaid portion of land; (b) to reinstate the land to its original state; (c) to remove all buildings materials, etc. and (d) to refrain from entering the land and interfering with the peaceful enjoyment of the heirs.

From the Documents mentioned above, there is no evidence that G. André Lemasson purchased 27 Arpents<sup>52</sup>; actually, he purchased usufructuary rights in one half of the land which were transferred to the children, Joseph Dominique Lemasson and Josephine, on his death. The memorandum of survey drawn up by Edgard Millien indicates the breakdown of the 5 Arpents 38 attributed to Josephine in two lots 2 Arpents 84 and 2 Arpents 04.

The Commission has now been made aware that the applicants have retained the services of Land surveyor R. Bhurtun to carry out a survey of their land of 27 Arpents 52 perches at Bras De Mer, Le Bouchon. Some occupiers have objected. The Commission is in the presence of R. Bhurtun's Report.

Furthermore, a case had been entered against the said Land surveyor.

It appears that the applicants

#### Reference 1006 - 0.01% Coverage

still a According to her,

the land is at present such as land related to legal papers Louis Rolland

Auchombit, the son, was the applicant's great-great-grandfather, owned a plot of land of 1 Arpents 17 perches at Nouvelle Découverte. Her father told her that there was a well on that land from which the indentured labourers used to fetch water. land.

The applicant came to the Commission to ask for the restitution of the plot of land to her family and also needed assistance in the research procedures contracts, etc.

Searches undertaken by the Commission reveal that "Répertoire" 117 No.129 indicates that Auchombit No 272742 was in fact the owner of a plot of land of extent 1 Arpent 17 perches at Nouvelle Découverte, Moka, as evidenced by TV 151 No. 251.

Truth and Justice Commission 238

Reference 1007 - 0.01% Coverage

Truth and Justice Commission 238

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As there has not been

Reference 1008 - 0.01% Coverage

17 plot at Nouvelle Découverte.

The heirs have been advised to contact a private surveyor to carry out the works of identifying the land and drawing up a survey report and to start occupation as soon as possible, after the needful has been done.

\*\*\*\*\* CASE NAME: MEDAR TJC/ L

Reference 1009 - 0.01% Coverage

TJC/ L/0148/MEDAR JACQUES

Jacques Médar, the applicant, says that his elders often related that they owned a plot of land of extent of 99 perches at Hermitage. The land had been completely neglected by his elders. He says that approximately 35 years ago someone took the land and started the cultivation of sugar –cane. His grandfather, Gaby Médar, told him also that the land belonged to him. His grandfather even put the case in Court. But according to applicant, on the very day set for the hearing of the case, the man occupying illegally the land paid Gaby Médar's friends to make him take alcoholic drinks. The result was that he could not attend the Court's hearing. Since that incident, the Médar family has not undertaken any action to get back the land due to financial difficulties. The applicant wants to have documents concerning the land and, the help of the Commission, to give legal assistance to get back the land.

In spite of several attempts

Reference 1010 - 0.01% Coverage

L /0149/ FIERJAUN JIMMY DESIRE

Jimmy Désiré Fierjaun, the applicant, says that his great-grandfather, Ernest Balisson bought a plot of land of 94 Arpents at Rivière-du-Poste. When he died, his family was neither aware of nor able to retrace, the exact extent of the land he owned. The applicant affirms that he had recourse to an Attorney and a Notary but he is now fed up with these long lasting procedures which according to him, even after 12 years, has given no results.

Jimmy Désiré Fierjaun went on site 2 to 3 times; he had recourse to the service of a Land surveyor who was able to situate the land only approximately. The applicant

states that the State

Investment

Reference 1011 - 0.01% Coverage

applicant

states that the State

Investment Trust was launching a "Morcellement" process not far from the plot of land. Due to the unknown extent of the land, he does not know whether they are occupying his plot of land or not. But according to him, the limits of the land are in the surroundings of the Balissage Sugar Estate, Britannia Sugar Estate and Joli Bois Sugar Estate.

The applicant further submitted another claim purporting on a plot of land of approximately 126 Arpents at Rose-Belle, as he does not know the exact extent of land inherited by his grandfather.

Truth and Justice Commission 239

#### Reference 1012 - 0.01% Coverage

Truth and Justice Commission 239

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

He requests the Commission to investigate on the exact limit of the land bought by Ernest Balisson and to determine whether the land has been illegally occupied. He wants a restitution of the land and compensation.

Jimmy Désiré Fierjaun also avers that as heirs of the Clarisse family, he should have a share in a plot of land in Grand-Port.

Case I The Commission called in Jimmy Désiré Fierjaun to give further details and information on the case. After perusal of all the documents and according to a deed under private signatures dated 11th December 1848, the Belleville 'sold' to Ernest Charles Balisson a portion of land of 94 Arpents 20 at Grand-Port for the sum of Rs. 1,268 as evidenced by TV 49 No 24. However, after an analysis of the "Case hypothécaire", it appears that an inscription for the sum of Rs. 1,268 was taken on the very same day, that is, 11th December 1848 and inscribed in TV 64 No. 333 in favour of one Belleville. The deed under signatures, it is stated that the sale was made under conditions to the effect

that approval should be obtained

#### Reference 1013 - 0.01% Coverage

has not been erased.

the

The Commission is of the opinion that both vendor and purchaser have not fulfilled the conditions of the sale. One has not obtained the authorization as regards the minors; the other has not paid the purchase price. Consequently, the sale may have been annulled and her Belleville has taken back the land.

Case 2 According to "Répertoire

#### Reference 1014 - 0.01% Coverage

one of the village's inhabitants.

The inhabitants recognize that each one of them has the right to settle in the village with neither the obligation to purchase land nor any monetary transaction or exchange of any kind. One becomes land owner in Camp Marcelin by birth. All this result from a strong oral tradition that says:

- That all the inhabitants have

#### Reference 1015 - 0.01% Coverage

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- That the descendants of the said Marcelin Charlot have been dispossessed of the largest part of the land they had, leaving only the actual village of Camp Marcelin, thus explaining the unique and particular geographical position of the village.

The applicant explains that the

Reference 1016 - 0.01% Coverage

family tree from Marcelin Charlot;

- assisting to trace back the complete surface area of the land and property of Marcelin Charlot and the related original Documents; and, by
- assisting them with the help of researchers, land surveyors, notaries or other legal professionals.

Searches undertaken at the Registrar General's Office have revealed that Marcelin Charlot was the owner of a plot of land of an extent of 12 Arpents at Quatre-Cocos. A plot of 2 Arpents has already been sold and the remaining land is still in the name of the Charlot.

\*\*\*\*\* NAME CASE : L'AIGUILLE TJC/ L

Reference 1017 - 0.01% Coverage

LAVAL TJC/L/VF/0155.

Jean José L'Aiguille, the applicant declares that his grandmother, Marthe Anodin married to one L'Aiguille told him that the Espiègle family owned a plot of land at Saint – Paul, Plaines Wilhems. Françoise Provençale and Georgina Labonté chose Victorine Espiègle as their only heiress through a testament olographe. On 4th July 1856, on the death of her father, Françoise Provençale became the only heiress.

The applicant also adds that he is a descendant of the Espiègle family. He wants the Commission to investigate so as to know the exact extent of land that Françoise Provençale owned.

Neither the "testament", nor a survey plan has been submitted to the Commission. From perusal of the "Répertoire", no plots of land in the name of the family still exist. There is no plot of land in the deeds which speak of St Paul, Plaines Wilhems. There is no testament olographe from Françoise Provençale and Georgina Labonté to support Victorine as the only heiress.

But, according to searches carried out by the Commission at the Mortgage Office, it appears that the land of 2 Arpents at Plaines Wilhems have been sold as per deeds transcribed in Volume 92 No. 261, Volume 92 No. 239 and Volume 103 No. 248.

Mention of a testament olographe has been made by applicant but no copy has been produced. This testament is the basis of the claim and is very important to process the application concerning the other portions of land.

Reference 1018 - 0.01% Coverage

Jean José L'Aiguille presented himself at the Commission at the end of July 2011. A formal request was made to him by Commissioner Jacques David and Land surveyor M. Bahadoor of the Commission, to produce a

#### Reference 1019 - 0.01% Coverage

TJC/ L/0152/ BOODENY ROOKMEEN

The applicant, Rookmen Boodeny, wrote a letter on behalf of late Heeralall Boodeny & Boodeny heirs, to the Chief Executive Officer of Grand Port Savanne District Council - a copy of which she has sent to the Commission, to complain about a Development signpost displayed by one Biness Bhudoo or Budhoo, on a land she claims to be hers, situated at Comblone Road, Nouvelle France.

She maintains that she has acquired the said land through legal & normal procedures issued by the Grand Port Savanne District Council, as per the Development Permit No. 14661 on 17th May 1991. The land in question had been occupied by Sohun Boodeny, the father-in-law of the applicant, since 1945.

In this letter, she appeals

#### Reference 1020 - 0.01% Coverage

Comblone Restaurant, is using her

land illegally as parking for his restaurant and carry out

Aryasamajist without the Boodeny's approval or consent. She further claims that her family is intimidated by people whenever they carry out any business on the land and that all "Trepas boards" which they placed on the electric poles have been removed and thrown away within hours of them leaving the site.

Even if this is not a case of dispossession, the Commission looked into the matter as this might result effectively into a way to dispossess the Boodeny of their land through an abuse of power.

It is confirmed that through a Title deed transcribed in TV 4167 No. 4, dated 30th July 1999, a division in kind established and allocated to the Boodeny Family of Comblones Road, Nouvelle France, in the District of Grand Port. Rookmee Boodeny, wife of late Heeralall Boodeeny, is the owner of the land situated in this area

In spite of letter sent

#### Reference 1021 - 0.01% Coverage

has turned a deaf ear.

Rookmeen Boodeny has been advised to seek the help of a Land surveyor to carry out a proper survey and take relevant action in the light of the findings of the surveyor. The only remedy is to enter a Court case.

\*\*\*\*\* social activities as an Truth

#### Reference 1022 - 0.01% Coverage

Truth and Justice Commission 242

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: GOURANNA  
TJC/L/VF/0155 GOURANNA JACQUES LAVAL

Reference 1023 - 0.01% Coverage

L/0189 ESPIEGLE LOUIS PHILIPPE

Jean José L'Aiguille, the applicant, declares that his grandmother, Marthe Anodin married to one L'Aiguille told him that the Espiègle family owned a plot of land at Saint-Paul, Plaines Wilhems. Françoise Provençale and Georgina Labonté chose Victorine Espiègle as their only heiress through a testament "olographe". On 4th July 1856, at the death of her father, Françoise Provençale became the only heiress. At the death of Françoise, Victorine Espiègle became the only heiress.

The applicant also adds that he is a descendant of the Espiègle family. He wants the Commission to investigate so as to know the exact extent of land that Françoise Provençale owned.

In spite the fact that no survey plan was submitted, from perusal of the "Répertoire", made by the Commission, no plot of land in the name of the family still exists. There is neither plot of land in the deeds which speak of St Paul, Plaines Wilhems, nor any "testament olographe" left by either Françoise Provençale or Georgina Labonté to support Victorine as the only heiress.

The land of 2 Arpents at Plaines Wilhems have been sold as per deeds transcribed in Volume 92 No. 261, Volume 92 No. 239 and Volume 103 No. 248.

The testament olographe mentioned by applicant -but no copy produced- is the basis of the claim and is very important for any process concerning portions of land.

\*\*\*\*\* CASE NAME : TOULET TJC/L

Reference 1024 - 0.01% Coverage

L/0153/CHARNIERE JEAN MICHEL

The applicant, Jean Michel Charnière, claims that he is one of the heirs of Paul Toulet who came to Mauritius in 1869. The later bought various plots of land in Mauritius and on his death; according to Charnière, he left 500 Arpents at Rouge Terre and 25 Arpents at Midlands.

The family requests the Commission to investigate on land sold and unsold and to assist them for eventual restitution, to carry out research for Documents on land at Civil Status Office and assist them in restitution and compensation to the heirs of Paul Toulet.

In support of the claim

Reference 1025 - 0.01% Coverage

copies of 5 "Cases hypothécaires".

Although he submitted a survey report drawn up by Sworn Land surveyor Charles E. Ribet, dated 28th December 1869, in respect of the site of an extent of 500 Arpents, he could unfortunately not identify the plot of land. After a whole day of 'reconnaissance', the Commission finally spotted the land.

The applicant laid a second claim at the Commission as to the fact that his great-great-grandfather, Jean Joseph Charnière bought a plot of land of 25 Arpents from Runjoo and Sunjeelee in the surroundings of Midlands. The applicant had great difficulties in situating the exact location of the land and wants the Commission to investigate and assist in locating the land so that the land be restituted.

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#### Reference 1026 - 0.01% Coverage

Truth and Justice Commission 243

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Charnière main claim rests on

#### Reference 1027 - 0.01% Coverage

for the 500 Arpents plot.

- As regards, TV 145 No. 10, there is a 'privilege inscription' as per CH 305/11 burdening the land to the tune of \$ 17,000 in favour of E. de Chazal and Mayers which inscription has not been erased.

As regards his claim of 25 Arpents, which supposedly had belonged to Jean Joseph Charnière at Midlands, searches undertaken by the Commission at the Registrar General's Office have not revealed the existence of such plot of land.

In the light of the above, the heirs of Paul Toulet have no claim on the 500 Arpents of Rouge Terre. In fact for the period 1883 to 1906 the Toulet family sold 23 plots of land around the island.

\*\*\*\*\* CASE NAME: MOOLCHAND TJC/ L

#### Reference 1028 - 0.01% Coverage

L/0156/MOOLCHAND PURVURAM PRANNATH

This file deals with eight cases submitted by the applicant, Purvuram Prannath Moolchand for plots of land in the region of Midlands having belonged to his grandfather, Lochund Moolchand; and his request is for the cancellation of the prescription of lands and their recovery to the family. A lot of documents were handed over to the Commission.

The summary of all claims

#### Reference 1029 - 0.01% Coverage

specific requests are thus listed:

Case 1 Lochund Moolchand, applicant's grandfather, possessed some portions of land in Midlands. Most of the land was reserved for hunting; a small portion was cultivated.

One Issack Bulaty, a neighbor, was granted permission by applicant's uncle, Ragoobeer Moolchand, to cultivate some creepers on a portion of land. The uncle often visited the land and was given a rent which has been agreed mutually. R. Moolchand could not visit the land for quite a long time due to illness. He then passed away.

When applicant afterwards visited the land, he was forbidden to do so. Bulaty informed applicant's family that the land was his property. The land was prescribed in September 1990 and sold to the children (Documents submitted). A protest was lodged by late Mewachand Moolchand to the Land Fraud Squad in 2002.

Mr. Moolchand averred that Saveetree Jaggernath, who stood as witness for the prescription, declared to applicant that she was misled as she was told by Bulaty that he was going to purchase a piece of land and to stand as witness for that transaction. The lady had given that statement to the Land Fraud Squad.

On the death of Mewachand Moolchand, the Land Fraud Squad did not proceed further. Truth and Justice Commission 244

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The applicant says that he made a fresh statement to the Land Fraud Squad. When Issack Bulaty passed away, the case was dropped by the Land Fraud Squad.

A case was entered in

#### Reference 1030 - 0.02% Coverage

has already spent much money.

He requests the Commission to recover the land prescribed by Bulaty.

Case 2 Jadoonanun Bokhoree, a neighbor of Lochund Moolchand, has prescribed part of the plot of land belonging to the Moolchand (Documents submitted). A notice was served by applicant's Solicitor to stop the prescription. The case was heard in Court. As the applicant's Solicitor did not attend the Court, the case was stuck off in favour of Bokhoree.

The applicant requests the Commission to recover the land prescribed.

Case 3 One Bullywont Chatargoon caused the land belonging to Lochund Moolchand to be surveyed and leased it to Sanjiv Khedoo of Cluny. A new neighbour of Lochund Moolchand has witnessed by a deed that the land belonged to Lochund Moolchand. Furthermore, the applicant had the land surveyed to prove that it belonged to the Moolchand family and submitted a site plan locating the real plot of land of owned by Chatargoon.

Case 4 Jagroop family owns a plot of land of 1 Arpent at Midlands, cultivated with sugar-cane. At present, Ram Jagroop's grandson is using his land deed to occupy various plots of land not belonging to him. The Moolchand family had a survey of the land as a proof of the location. The Sugar Insurance Fund Board can locate the land of Jagroop family as it was planted with sugar cane.

Case 5 A member of Moolchand family authorized one Deokeenanand Pohiet (related to Moolchand) to occupy a piece of land as the latter was physically handicapped. In 1981, the lease was officialised for a period of 9 years. In 2001, the Moolchand family intended to proceed with a division in kind among heirs. Deerpuh Gokhool, lawful wife of eokeenanand Pohiet, refused to vacate the land. Afterwards, she prescribed the land.

The applicant made a request to the Commission to help him cancel the prescription and to recover the land.

Case 6 The late Deonarain Ramessur rented a plot of land of 1 Arpent 17 neighbouring the Moolchand's land. The land was cultivated with sugar cane and as it was surrounded by wasteland, monkeys attacked his plantation. Mewachand Moolchand was asked to clean a piece of land planted with some "fatak" to stop the monkeys' attacks. Ramessur agreed to pay a yearly rental of Rs 200. In 2003, the Moolchand family did not ask him for the rent as he was not in good health but he agreed to vacate the land when required. He was ready to leave the land but passed away. On the death of Deonarain Ramessur, his wife refused to vacate the land insisting that the land belonged to one Caleemoutou. But Caleemoutou had, years before, sold the land to Lochand Moolchand.

The Moolchand requests the Commission to intervene in order that the Ramessur to vacate the land.

Case 7 In the fifties, Sewnundun Ramundun was given a piece of land and materials by the Moolchand family to build a shelter as he was very poor. He paid a token rent of Rs. 8.00 yearly.

Now Ramundun has prescribed the land.

The case went to Court



#### Reference 1031 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS They want to recover the land.

Case 8 Pargasing and Takoorduth Balluck were neighbours of Taukoordoyal Moolchand. At the latter's death, the Balluck brothers prescribed Moolchand's land. The Land Fraud Squad made a visit on the land and found it in a wild and bare state.

In this case also, they want the Commission to stop all prescription procedures, to recover the land.

Case 9 One Hum Ting

#### Reference 1032 - 0.01% Coverage

has leased a plot of

land from Mewachand Moolchand as from the 22nd December 1974. He paid a yearly rent of Rs. 100.

In the fifties, the Moolchand family was running a shop on the same land; it was destroyed in 1960 by cyclone Carol. Since then, the land has been rented to various persons and to a religious association.

Now Hum Ting Sang is claiming that his family has been occupying the land since 1946 which, according to applicant,

is a false statement. He

#### Reference 1033 - 0.01% Coverage

heard on 18th March 2010.

The Moolchand family requests the Commission to stop all legal procedures and to recover the land. The applicant says that he has no funds to go to Court; even the lawyers have only been partly paid.

Case 10 Tankoordoyal Moolchand owned a plot of land of 50 perches at Bois Rouge, Pamplémousses. The land was leased to Foolmateea Seetohul, wife of Razdeo Rampergass Seetohul for sugar cane cultivation for a period of 7 years (1980-1987) and the lease was renewed. Seetohul witnessed the lease. At the end of the lease, Seetohul refused to vacate the land. He entered a case in Court. There was no follow-up. Rampergass Seetohul has now prescribed the land.

The Moolchand wants to stop the prescription procedure and to recover the land. The Commission went into the details of each case and noted:

- The Notarial deed dated 21st

#### Reference 1034 - 0.01% Coverage

respect of twelve portions of

land situated at Bananes whereas the lands mentioned in the cases are all referred to as being in Midlands.

- There is no family tree

#### Reference 1035 - 0.01% Coverage

the applicant, Purvuram Prannath Moolchand.

- The Land Fraud Panel Squad set up at the Police Department has been made aware of at least some of the cases, but it is not known what action has been taken.

After analysis, the Commission has

#### Reference 1036 - 0.01% Coverage

has reached the following conclusion:

Case 1 • It is observed that the land, subject matter of the prescription, is located at Midlands whereas described as lands located in

#### Reference 1037 - 0.01% Coverage

partly in Plaines-Wilhems districts.

- The description of the land prescribed defines an area occupied and is not necessarily the same as the boundaries of the original plot of land nor is it necessarily of the same extent.
- The Commission is of the opinion that Purvuram Prannath Moolchand should relate the property of his forefather to the land prescribed and to seek to redress through a Court action if he can prove that the land prescribed and the land owned are one and the same land.

the 12 portions mentioned in

#### Reference 1038 - 0.01% Coverage

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Case2 • It is observed that while Prannath Moolchand called at the Commission and spoke about land belonging to his forefather. Yet in the document submitted it would seem the land is said to belong to Hewachand Moolchand. The rights of Prannath Moolchand Moolchand in the land have been established.

- In any case, it would seem that there has been an objection to the transcription of land.

Cases 3 to 8 Prannath Moolchand called at the office of the Commission on Wednesday 14th April 2010. He has sought the services of a Surveyor, M Ramlakhan, to sort out the matter related to his portions of land at Bananes. The Commission drew his attention to the doubt on the actual location of these lands, i.e. Bananes/Midlands and explained to him that any defect in his title deed should be cured by a proper memorandum of survey.

Case 9 • There is no doubt that the 598m<sup>2</sup> forms part of the 35 perches, that is, 1477.30m<sup>2</sup>. • While Prannath Moolchand who submitted the case to the Commission, has tendered a document as the Title deed for the family land, yet in a defence plea submitted to Court, another deed transcribed in Volume 790/71 is mentioned.

- Since a Court case has

#### Reference 1039 - 0.01% Coverage

not been done.

a) b)

- In the circumstances, their only recourse is to lodge a case in Court for: Decreeing that they are the lawful owners of the land "in lite" and  
That the affidavit of prescription

#### Reference 1040 - 0.01% Coverage

is declared null and void.

However, to succeed in Court, the Moolchand will have to prove their ownership rights but also the land which is the subject-matter of the prescription and the one claimed by them is the one and same land.

\*\*\*\*\* CASE NAME: UNJORE TJC/L

#### Reference 1041 - 0.01% Coverage

TJC/L/0157/UNJORE KHEMRAJSINGH

Khenrajsingh Unjore, the applicant, claims that he has been leasing a plot of land for sugar cane cultivation, situated at Beau Vallon/ Petite Cabane/Camp de Masque Pavé from one Sookasseeah Seesum since 1997. The first lease expired in 2006 and the second one runs from 2006 to 2015. He is registered at the Sugar Insurance Fund Board.

The applicant declares that one Beedeea Parcass Ramdany, who owns a plot of land next to applicant's leased land, claimed that he has bought this land from Seesarrun and that the entire sugar cane plantation belongs to him. Ramdany, adds the applicant, has been harassing him and

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#### Reference 1042 - 0.01% Coverage

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even went as far as

#### Reference 1043 - 0.01% Coverage

applicant. The matter was dismissed.

In the opinion of the Commission, the claim of land by applicant (who is only the lessee) and the land claimed by Ramdany are two different portions of land. It is for the heirs and successors of Sookasseeah Seesum, who are the landlords, to identify their property and initiate whatever action is called for to preserve their rights and those of the lessor.

Further searches have revealed that

#### Reference 1044 - 0.01% Coverage

0158/BERTHELOT LOUIS ROLAND & others

According to the applicants Gisèle Berthelot and Louis Roland Berthelot, their mother, Juliana Laridain was born in Chamarel. Their mother was not the sole owner of the plot of land of an extent of 37 Arpents in Chamarel as it belonged to all the

#### Reference 1045 - 0.01% Coverage

heirs of Laridain consisting of descendants of Abel Laridain, father of Juliana, and Henri Laridain, brother of Abel. The plot of land was leased to the Bel Ombre Sugar Estate by the heirs Laridain. Each year, Bel Ombre Sugar Estate paid a rental to the heirs Laridain. Both applicants aver that their mother never saw the colour of the money, as Henri Laridain was the only person who received the money. Gisèle and his brother, Louis Rolland, Berthelot remember that Henri Laridain told their mother that the title deed was in his possession. After the death of their mother in 1976, the widow of Henri Laridain with the help of Marcel Laridain, the eldest son of Henri Laridain prescribed the land. All the official land documents are actually in the possession of Marcel Laridain. In 2001, Gisèle Berthelot went to see Marcel Laridain. She told him that the heirs of Abel Laridain wanted their share of the plot of land, the latter told her that he had already prescribed the land. He gave her a site plan and told her that she will have to make a lot of legal procedures in order to recover her share.

Both Gisèle Berthelot and Louis Roland Berthelot request the Commission for Legal Assistance in order that the heirs of Abel Laridain could have an equitable share of the land among the heirs of Abel and Henri Laridain and also live on the land.

Marcel Laridain was called by the Commission to explain the whole affair and to say if, indeed, he received the rent from Bel Ombre Sugar Estate. While deponing, under oath, he maintained that that was never the case and was not aware of any land belonging to the Laridain family in the region of Chamarel.

In December 2010, Louis Roland Berthelot sent to the Commission a copy of the Government Gazette dated the 4th December 2010 concerning the prescriptions of two portions of land by Louis Marcel Laridain and Cyril Louis Laridain. The Commission tried to obtain a copy of the site and location from the Clerk of Senior Attorney, Cyril Huët de Froberville, under whose signature the prescription notice was published. His Clerk refused to give a copy to the Commission.

Finally,

Land Surveyor Seebarith was

#### Reference 1046 - 0.01% Coverage

copy to the Commission.

Finally,

Land Surveyor Seebarith was contacted and he submitted the site and location plan as well as the Survey Report.

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#### Reference 1047 - 0.01% Coverage

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Louis Roland Berthelot was advised

#### Reference 1048 - 0.01% Coverage

BATOUR MARIE RENE born LAVIOLETTE

Marie Renée Batour, born Laviolette, the applicant, says that she came to know that her ancestor Jacques Laviolette owned three plots of land at Rivière Noire, Petite Bel Air (Ruisseau-des-Délices) and Mahébourg. According to her, those plots of lands have been taken over by different sugar estates of the said regions. The plots of land belonged to applicant's grandfather and she says that she is one of the heirs of the land. However, the applicant does not know the exact location of the land.

In her request to the Commission, she says that either the Sugar Estates should buy the land and give them money or they return back the land to the heirs.

In support of her claim

#### Reference 1049 - 0.01% Coverage

claim, she submitted the following: •

• •

A "concession" document delivered to Louis Laviolette ("noir libre"), of a plot of land of extent 222 Arpents dated 10th January 1764 registered by the "Greffier aux Conseil supérieur et au Tribunal terrier".

A Survey report dated 18th May 1772 by Sworn Land surveyor Louis Merle at the request of Louis Laviolette for a plot of land of the extent of 312 Arpents as found in Folio 2, MA 62 Folio 396-401 in a file kept in Mauritius Archives.

A Survey report dated 18th April 1771 drawn up by Sworn Land surveyor Louis Merle, at the request of searches, in respect of a plot of land of an extent of 5 Arpents 10 perches at Grand Port.

However, searches made by the Commission revealed that the said plots of land do not appear in the names of Louis Laviolette or Jean Laviolette in the "Case Hypothécaire".

The Commission analysed and undertook

#### Reference 1050 - 0.01% Coverage

claim made by the applicant.

It is also revealed at "Répertoire" 180 No 302, that succession Louis Laviolette sold various plots of land from the year 1899 to the year 1925; and at "Répertoire" 190 No. 562, that Jean Laviolette sold undivided rights from the year 1904 to the year 1912.

In view of the fact

#### Reference 1051 - 0.01% Coverage

rests on very flimsy ground.

The claims of the three portions of land of 222 Arpents, 312 Arpents and 156¼ Arpents at Ruisseaudes-Délices and Plaines Saint-Pierre prompted much discussion at the Commission. The first and third portions of land were received from concessions.

A thorough reading of the deed of concession reveals that the concession was given under certain terms and conditions. If the conditions were not fulfilled, the land would return back to the King. The document of "concession" was one like a "Letter of intent", not warranting any follow-up on the part of the Authorities at that time if those who received the concession disregard the rules and conditions. This may explain why in spite of the fact that the documents relating to the concession exist, searches carried out in the names of Jacques Laviolette, Louis Laviolette and Jean

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#### Reference 1052 - 0.01% Coverage

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Laviolette at the Office of the Conservator of Mortgages, the three portions of land cannot be traced out.

\*\*\*\*\* CASE NAME: PREAUDET TJC/L

#### Reference 1053 - 0.01% Coverage

Emmanuel Préaudet

Claim of Deponent

- His great-grandfather Ernest Préaudet owned several plots of land including 130 Arpents in Quatre Cocos which he purchased with five others (1857) in terms of deed transcribed in Volume 35 No. 294.
- The property has devolved now to the heirs and successors.
- Requests assistance of the Commission to get back the land.

Hearing 18 August 2010

Emmanuel

#### Reference 1054 - 0.01% Coverage

land.

Hearing 18 August 2010

Emmanuel Préaudet deponed before the Commission and explained that there are now 24 heirs, some of whom live abroad who may claim to have a share in the land.

claiming the land and contacted Constance La Gaieté, the occupier of the said land. To assist him in his claim, he contacted one Eric Pitchen, a 'Researcher' to whom he paid approximately Rs. 350,000.

drawing up of  
succession. As

#### Reference 1055 - 0.01% Coverage

drawing up of the affidavit.

Serge Préaudet has been advised accordingly and also to seek the services of a Land Surveyor to locate the land at issue should the heirs Ernest Préaudet decide to seek physical possession of the property through a Court action.

Case 2 and 3 The applicant adds that his grandfather told him that the family owned a plot of land in Plaines Wilhems. But he does not know the exact location. He also avers that the heirs have also 525 Arpents at Domaine Argy.

The Préaudet family requests the Commission to help them carry out land surveying and to reclaim their properties.

The Commission has examined the case and found that case No. 2 and case No. 3 are too vague to enable a proper examination. Hereto, the services of a Land Surveyor was advised in order to locate the properties and retrieve information as to their ownership (title deeds) that would enable the heirs to take a decision on any further move.

\*\*\*\*\* Since 1986, he started

The

#### Reference 1056 - 0.01% Coverage

move.

\*\*\*\*\* Since 1986, he started

The latter was to seek the services of a Land Surveyor (Mr Sakir) and arrange for the the affidavit establishing all

the heirs entitled to apprehend

#### Reference 1057 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ARMUGAM TJC/ L//0162  
ARMUGAM VISHWANADHAN PILLAY & OTHERS

Vishwanadhan Pillay Armugam, the applicant claims that his father, Vinayron Pillay Armugam, was born at Vallée-des-Prêtres where he was brought up with his brother and two sisters. Before his father's death, the latter told him that his father (applicant's grandfather) had land(s) at Montagne Longue and Vallée-des-Prêtres. Throughout his life applicant's grandfather has been living at different places with his family that is why they have lost contact with their lands. The family wants assistance to identify these lands.

Searches have been carried out

#### Reference 1058 - 0.01% Coverage

Great grandfather: Armugum No. 417322.

The names of the applicant's grandfather and great-grandfather do not appear in the Registers of the Conservator of Mortgages as owners of any land.

\*\*\*\*\* CASE NAME: CORNET TJC/ L

#### Reference 1059 - 0.01% Coverage

told her that her great-

grandparents owned several plots of land. She ignores where they are situated and requests the Commission to assist in research.

She claims that her great grandparents owned several plots of land about which she ignored their locations and the relevant title deeds. She has given the name of his grandfather, Emmanuel André Friquin.

Searches at the Conservator of Mortgages Office have revealed that Emmanuel André Friquin, son of Julius Emmanuel Friquin and Andréa Mars, married to Marie Elizabeth Cornet. They acquired on 2nd August 2002 from one L. Mars, a plot of land of an extent of 157.08 m<sup>2</sup> situated in the District of Port-Louis place called Sainte Croix, 5, Leung Pew Antoine Street for the sum of Rs. 50,000 as evidenced by TV 4977 No. 29.

There is no property registered

#### Reference 1060 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: AUFFRAY TJC/ L/0164/ PASCAL Elian Marie Wills

The applicant, Elian Marie Wills Pascal, says that after having undertaken some searches on his ancestors, the Auffray family, he has discovered that they owned a concession of 156¼ Acres that have been granted to Jean Pierre Auffray in 1770 in the region of Mare-Tabac. According to the applicant, this plot of land has since been passed over during several generations in the family. The applicant declares that the Auffray family was involved in fishing and plantation. He thinks that they might have used this plot of land for that purpose.

Elian Pascal adds that, according to him, the land had started to be neglected as from the 1860s, with Joseph Fernand Auffray, the applicant's great-grandfather, the one who had inherited the land during this period. He declares that someone has told him that the land is actually being occupied by the Savannah Sugar Estate; and he points out that after having made more in-depth searches at the Mauritius National Archives and other institutions, he has found no records mentioning the sale of the land. He concludes in underlying that he actually does not know the precise location of the land.

His request to the Commission is to locate the land, to investigate whether if the land has been illegally taken over by the Savannah Sugar Estate and if yes, when? He also wants to know whether the land has been prescribed by the Sugar Estate above-mentioned.

According to the records of

#### Reference 1061 - 0.01% Coverage

and dated 15th March 1771

- A copy of a survey report of a plot of land of 156 ¼ Arpents

Searches carried out by the

#### Reference 1062 - 0.01% Coverage

0166/GUIMBEAU JOSEPH ARNAULD GARY

Joseph Arnauld Gary Guimbeau, the applicant, claims that his great-grandfather, Edouard Perrin, was the owner of several plots of land at Constance which he bought or inherited from Jean Baptiste Martin, or his brother, Louis Perrin, who died childless. The applicant's family ignored the existence of this heritage until 1974 when one Gérard Bernard told the applicant's grandfather, René Perrin, that, while consulting a site plan of Constance, he discovered that Edouard Perrin owned several plots of land at Constance. René Perrin gave a 'procuration' to Gérard Bernard to gather all necessary information about these lands. During his



searches, according to Land surveyor Foiret, the lands had never been sold. Gérard Bernard has since retraced several plots of land.

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#### Reference 1063 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

On 4th February 1985, Bernard

#### Reference 1064 - 0.01% Coverage

documents to study their authenticity.

On 7th February 2005, Serge Guimbeau, the applicant's father, gave another 'procuration' to Gérard Bernard to retrace back all these lands. When Bernard met Labat with all the Documents, he was told that the lands would be returned back and the family refunded. Bernard was asked to meet Land surveyor D'Hotman. At the said meeting, Bernard was told by D'Hotman that these lands belong to one Valet and that, according to him, there was no way Valet would give back the land. Bernard tried his luck and, indeed, met Valet. The latter told him that he is no more the owner of Constance.

The preliminary searches undertaken by the Commission establishes the fact that there was no substantial property left to be claimed by the heirs of the said Louis Edouard Perrin (fils). Most of the properties purchased by Louis Edouard Perrin (Père), as well as by Louis Edouard Perrin (Fils), at some point had been sold. There may be small "solde" of land here and there but this can be confirmed only by further searches coupled with a land survey. However, the major plot of land that the Surveyor Foiret refers to in his letter does appear in the "Case hypothécaire" of Louis Edouard Perrin. The letter of Robert Foiret on the 8th July 1985 mentions the ownership of the said portion of 78 Arpents purchased and transcribed in TV 12 Volume 183 as being owned by Louis Edouard Perrin.

In-depth searches also reveal that Elizabeth Perrin, the sister of Edouard Perrin, contracted a civil marriage with one Pringault. Since she was a minor, Edouard Perrin was his legal guardian. After the death of Pringault, Elizabeth Perrin married for the second time to one Odillard and a son named Emile Odillard was born from this marriage. In 1828, Emile Odillard bought a plot of land

312 Arpents and divided it into two equal two parts of 156 Arpents at Rivière-du-Rempart. In the "Case hypothécaire" of Emile Odillard, the land is registered in his name and no entry has been made therein to suggest that a transaction has been effected subsequently.

Joseph Arnaud Gary Guimbeau claims

#### Reference 1065 - 0.01% Coverage

per TV 46 No. 298.

In view of the family ramifications and its various documents submitted, the Commission is of the opinion that the claimant should carry out further investigation as same has not been done, by entrusting the work to a Land Surveyor for an appropriate Report.

However, it has also been

Reference 1066 - 0.01% Coverage

had bought a plot of  
land of 2 Arpents 50 perches at Tombeau in  
Pamplemousses District. In 1993 M

Reference 1067 - 0.01% Coverage

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land. On several occasions he has accompanied people unknown to applicant to visit the land. Once  
Mohunlal Gopaul, accompanied by a man, measured the land.

The applicant furthermore maintains that

Reference 1068 - 0.01% Coverage

Gopaul inherited a plot of

land of 4¾ perches where his son was living. He received a building permit for  
constructing a house there. But, without informing his family, he sold the land. Later, applicant's son received  
a notice of eviction from the Court. It was then and only that applicant learnt that the land had been sold.  
She made a request to the Commission to find a way of preventing her husband from selling the land at  
Tombeau in Pamplemousses as her children and she have nowhere else to go.

The Commission showed much concern

Reference 1069 - 0.01% Coverage

Poospawtee on 10th July 1968.

On 28th May 1973, he bought a plot of the extent of 2 Arpents 50p at Tombeau in Pamplemousses District  
as per TV 1215 No. 9 and he obtained in a "Division in kind" ex parte a portion of land of the extent of 4 ¾  
perches (heirs Gopaul) as per TV 1690 No. 176, which he sold to Purmessur Prayagsingh on 21st July 2000  
as per TV 4438 No. 4.

Searches have revealed that the 2 Arpents 50 plot of land purchased in 1973 (TV 1215/9) has not been sold.  
This property forms part of

Reference 1070 - 0.01% Coverage

consent of his legitimate wife.

As regards the land obtained through succession, the Commission has been advised that this is considered  
as a "bien propre" and as such, M. Gopaul was entitled to sell the land.

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CASE NAME: RAGOONUNDUN TJC/L

Reference 1071 - 0.01% Coverage

TJC/L/0169/RAGOONUNDUN SABITA

Sabita Ragoonundun, the applicant is granddaughter of Mohabeer Ragoonundun, who owned approximately 3 Arpents in Calodyne and other plots in Grand Gaube and Melville. For 20 years, the family, i.e. the heirs of Ragoonundun, has been discussing for the sharing of the land but applicant affirms that she has no information

#### Reference 1072 - 0.01% Coverage

made by her uncle Koomar

Ragoonundun. She requests the Commission to find a solution for the proper sharing of the land.

Searches carried out by the

#### Reference 1073 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: MADELEINE

TJC/L/0170/MADELEINE LOUIS CLENCY

Louis Clency Madeleine, the applicant

#### Reference 1074 - 0.01% Coverage

did not know much about.

Case 1 The applicant claims that he is the only surviving heir of Louise Estasie Magdeleine dite Perrin who owned a plot of land of 30 Arpents at Trou d'Eau Douce, Flacq. He did not know about the existence of this land. The heirs of Edouard Magdeleine, thinking that they were the only heirs of Louise Estasie Magdeleine, have tried to sell the land to one Madhoo. They had to swear in an affidavit rectifying the terms of the contract.

One day, he recalls, Jude Seblin told him that his great-grandparents owned a plot of land which is now occupied by a certain one Oozeerally. The applicant trusted Seblin and gave him Rs. 10,000 to clear the land, believing that the said plot of land belonged to his great grandparents. Seblin, not only brought bulldozers to clear the land, but also removed the fences that had been erected by Oozeerally. Seblin paid for the work. However, it was later found that the land really belonged to Oozeerally. The latter sued the applicant for having destroyed the fences.

Later, the applicant paid Land surveyor Dwarka to locate the 30 Arpents of his great grandmother which he successfully did. Surveyor Dwarka found out that part of the land is now occupied by Marie Gracia Nadal, Joseph Christian Etienne, Jean Joany Etienne and Ootam Kumar Sauntoo.

Louis Clency Madeleine maintains that these people are illegally occupying his land as the land is still under the name of Louise Estasie Magdeleine. He decides to bring the case to the Supreme Court and hired services of Counsel G. Bhanji Soni to get his land back.

Case 2 The applicant declares that Armand Madeleine has sworn in an affidavit, which according to him is false. He is trying to sell the land. A press advertisement has been released concerning the sale and the contact person is one Ivan, son of Armand Madeleine. He wants to recover his land.

The Commission looked into the

#### Reference 1075 - 0.01% Coverage

which were far from convincing.

In fact, the heirs of L. Estasie Magdeleine tried to sell the land to Madhoo, and then the applicant admitted that the land belonged to Oozeerally. Therefore, the title deed of the applicant is "précaire" for all intents and purposes. The claimant cannot in law have the best of both worlds, that is, claim through the Court of its intention to get back the land and come to the Commission so that the latter may go on a fishing expedition for him!

The Magdeleine had another meeting at the Commission on 9th August 2010 and handed a copy of the plaint with summons issued by his Attorney at Court against five persons in which he is praying for a Court order, to the effect that the 5 persons had to quit and vacate the land "in lite".

This action confirms his intention

#### Reference 1076 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: GOTEEA TJC/L/0171/GOTEEA SOOREEADOO

Sooreeadoo Goteea claims that when he was young, his grandfather always told him that his father owned land at Terre Rouge. The applicant made some searches and found out that his great grandfather, who came from India as an indentured immigrant and worked as a domestic servant for a British master had purchased a plot of land of 80 perches at Terre Rouge. He unfortunately died at an early age and left behind him an illiterate wife and seven children who were under-aged. The land was taken over by the "Curatelle" which published a notice in the newspaper. Being illiterate, the family could neither read nor get access to newspapers at that time. There was no protest on account of ignorance and illiteracy. The land was sold at a very low price. The applicant wants the Commission to shed light on this matter and see in what way Justice can be applied to either recuperate the land or compensate his family adequately.

Applicant has submitted no document. He had only consulted the registers at the National Archives and had not made any copy thinking that there was no way of getting back the land.

According to our searches in TV 151 No. 8, dated 17th October 1882, Sworn Land surveyor Gustave de Coriolis

sold a plot of land at Pamplémousses, Le Hochet, of the extent of 86 perches

undividedly to Goteea 154635, son

#### Reference 1077 - 0.01% Coverage

away on 5th October 1896.

It appears that the plot of land was declared a vacant estate and the then Curator of Vacant Estates, Huët de Froberville, obtained possession of this land together with other lands. He sold the said plot of land on 15th July 1918 to Eugène Solesse for the price of Rs. 80 as evidenced by TV 329 No. 604.

In a letter dated 16th

#### Reference 1078 - 0.01% Coverage

MARIE PAULE, EVREMONT BERTY & ORS.

Anne Marie Paule and Berty Evrémont, the applicants, claim to be one of the heirs of Marie Trime who owned a plot of land of 4 Arpents situated at Edgar Hughes Street, Curepipe, near Trou-aux-Cerfs. The land was purchased by Marie Trime and his two brothers Alfred and Augustin Trime but the two brothers died single leaving no descendant. Consequently, Marie Trime inherited of the 4 Arpents.

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#### Reference 1079 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

In about 1987, one Basdeo Ramudhin paid a Land surveyor to undertake searches on a plot of land of about 4 Arpents owned by his family in the Plaines Wilhems. The surveyor misled Ramudhin and made him believe that the land he was searching for was the 4 Arpents located at Edgar Hughes Street Curepipe, near Trou-aux-Cerfs. The surveyor even surveyed the land without The applicants have written a letter to the widow of Ramudhin but she never responded to it. Now that the applicants intend to sell this portion of land, they fear that the daughter of Ramudhin - who has not accepted that the land is not the heritage of the family - may bring a case in Court against them claiming the property of the land.

The applicants want the Commission to make the Ramudhin family understand that they have been misled and that this portion of land is the property of the heirs of Marie Trime. They submitted the necessary documents to prove their ownership to the land and they want the Commission to help them to prove that the land belongs to them. They are ready to go to Court if circumstances make this necessary.

She, later, did produce copies

#### Reference 1080 - 0.01% Coverage

entered before the Supreme Court.

The Commission did searches in order to better understand where matters stand. "Répertoires" 68/322 and 68/323 reveal that on 8th October 1866 in TV 96 No. 109, Prosper Pellicot and his wife sold to Marie Trime, Alfred Trime and Augustin Trime 1/3 undivided rights in a plot of land of an extent of 4 Arpents, excised from a bigger plot of land acquired by Pellicot on 15th November 1818. There is not any charge burdening the plot of land nor is there any evidence that it has been sold. Sworn Land surveyor Ng Tong Ng Wah, on 9th December 2008 and Ahmad A. Khadaroo, on 5th April 2010 have their survey reports confirming the site and location place of the 4 Arpents plot at Trouaux-Cerfs.

However "Répertoire" 451 No. 741 reveals that Ramudhin acquired a plot of land of an extent of 4 Arpents at Trou -aux- Cerfs from one Subsungkur for the price of Rs. 600,000 as evidenced by TV 1750 No. 111 dated 13th February 1989.

The case entered at the

#### Reference 1081 - 0.01% Coverage

TJC/ L/0173/DHUNOO ROOPWANTEE

The applicant, Roopwantee Dhunoo, claims that the great-grandfather of her husband, Dhunoo No. 222752, who came to Mauritius as an indentured immigrant in 1858, purchased a plot of land of 2 Arpents at 16ème

Mille in the district of Plaines- Wilhems in 1883. Dhunoo 222752 had only one son, Ramchurn Dhunoo. The latter had two sons Gunganarain and Suddeo. Gunganarain had five children and Suddeo had two children. All these families are the heirs of the plot of land at 16ème Mille.

Roopwantee Dhunoo avers that one Pawan Kumar, an heir, has prescribed the land. Later, Devi Barosi, who is not an heir, prescribed the same land. A third person, who is not an heir, one Seeduth Sookharry, also prescribed the land. No copies relating to these prescriptions have been submitted.

In October 1993, one P.K. Tokising, one of the heirs Dhunoo, No. 222752 applied for a judgement against one Sibduth Sookharry advising the said S. Sookharry to quit leave and vacate the portion of land of 2 Arpents 00. On the day of the hearing on 29 March 1996, the respondent (Mr. S. Sookharry) left default and judgement was given in favour of the plaintiff.

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#### Reference 1082 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

There is no indication if

#### Reference 1083 - 0.01% Coverage

has complied with the judgement.

If the applicant wants to get the share of her husband in the land, she has to petition to the Master and Registrar of the Supreme Court for the division in kind of the property among all heirs entitled to a share. The Commission is of opinion that she is still a co-heir and has not been dispossessed of the shares and rights of her husband.

She has been called by

#### Reference 1084 - 0.01% Coverage

0174/POPLINEAU JEAN EMMANUEL GEORGES

As it has been the policy of the Commission to receive and listen to one and each applicant who presented a case to us, it has also been our advocacy to understand how applicants have lost their house and land throughout some bad experiences. The case of Jean Emmanuel Georges Poplineau was indeed a sad one.

The applicant claims that he

#### Reference 1085 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

office set up by Government

#### Reference 1086 - 0.01% Coverage

any reason given to him.

The applicant cannot explain why and how the bank seized and sold his property when he avers that the amount has been paid. He does not contest the sale today and he is asking the Commission to help him to get a plot of State land.

Unfortunately, the Commission cannot be

#### Reference 1087 - 0.01% Coverage

L/0175/ MANGALKHAN ABDOOL LATIFF

In a letter dated 22nd October 2009, Abdool Latiff Mangalkhan informed the Truth & Justice Commission that his forefathers possessed a plot of land of 78 acres at Chemin Savanne, Grand Port. He wants the Commission to assist in locating exactly the land.

One document has been submitted and relates to a plot of land of extent of 28 ½ acres being a sale by Aboo Tauleb to Mangalkhan as per TV 82 No. 26 dated 22nd July 1864.

Searches of the "Case hypothécaire" (52 No.196), confirmed that Mangalkhan acquired a plot of land of 28 ½ Arpents from A. Tauleb on 20th July 1864 as per the above TV for the price of 3000 piastres and another plot of land of extent of 78 Arpents on the same date as per TV 82 No. 27 from H.V.J Allarakia for the price of "8000 piastres".

However, the two plots of land are burdened with two inscriptions namely: • At Volume 134 No. 645 an inscription of Privilege of "8000 piastres" in favour of H.V.J Allakaria for 78 A.

• At Volume 137 No. 131

#### Reference 1088 - 0.01% Coverage

inscriptions have not been erased.

It appears that the land of 28 ½ Arpents has been sold on 4th April 1871 to Allakaria for "2000 piastres". According to the "Répertoire", the land of 78 Arpents has not been sold but is burdened with two inscriptions of Rs. 8,000 and Rs. 6,400.

In view of the above

#### Reference 1089 - 0.01% Coverage

is no indication that Mangalkhan.

those 2 plots of land still belong to heirs

The Commission has advised the applicant to retain the services of a Land surveyor in order to locate the land.

\*\*\*\*\* CASE NAME: FELICIANE TJC/ L

#### Reference 1090 - 0.01% Coverage

L/0176/ FELICIANE PIERRE ALAIN

The applicant, Pierre Louis Féliciane, in a letter addressed to Truth & Justice Commission on 12th September 2009, informs that his great great grandfather, Frédéric Féliciane, possessed a portion of land of extent of

77 Acres since 1904 in Pamplémousses, According to him, the land has not been prescribed; however, some portions have been sold. The remaining 30 Acres are now occupied by some people.

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#### Reference 1091 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

1. Two Documents have been

#### Reference 1092 - 0.01% Coverage

Moutou, wife of Frédéric Féliciane.

- No survey plan has been submitted in regard to the plot of land described in the notarial deed or a family tree which would show the link between Pierre Alain Féliciane and Frédéric Féliciane.
- The Notarial deed relates to a sale made by Pierre Louis Perrot and his wife Céline Darmont to Frédéric Féliciane and his wife, Jeanne Antoinette Moutou, (½ undivided) and to ailaire Mootoo (½ undivided) of a plot of land at Pamplémousses of the extent of 77 Arpents 25 perches for the price of "4000 piastres". That plot of land is burdened with an "inscription de privilège" in favour of Pierre Louis Perrot (Inscription 33/191) for the sum of "4000 piastres" which has not been erased.
- Furthermore, on 1st July 1857

#### Reference 1093 - 0.01% Coverage

properties. The sister of his

grandmother took possession of all the properties at the death of his great grandfather. The aunt of the applicant, in turn, took possession of all the family properties at the death of her mother. She sold the rest of the land of the applicant's ancestors, thus depriving the applicant's mother of her share of the property. Now, the applicant wants to have his share.

A family tree has been

#### Reference 1094 - 0.01% Coverage

that the sister of his

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: RAMBARUTH TJC/L/00178/ LOTUN TARAMANDUTH

In a letter addressed to Truth & Justice Commission on 26th September 2009, Taramanduth Lotun writes that the father of his mother, one Gangaparsad Ramburuth owned a plot of land of 2 acres, and that the latter had 5 children.

The applicant's uncle took a loan of Rs. 6,000 from Rathen Baichoo, giving as guarantee that plot of land. Each time he went to repay the loan, he was told that Baichoo was not at home. As time elapsed, Baichoo finally 'seized' the land.

The Ramburuth family wants to get back their share in the land.



The inquiry led by the Commission reveals that according to "Répertoire" 247/88, Gangaparsad Ramburuth born on 29th June 1894, acquired various portions of land in the Districts of Rivière-duRempart and Flacq, one of them being a plot of land of extent of 1 Arpent 20 perches at Laventure, Flacq acquired under TV 509 No. 334 dated 25th April 1947. The undivided rights in these plots of land were devolved to succession of B. Ramburuth, as confirmed by the entry in "Répertoire" 437/69, dated 4th June 1959 and as evidenced by the deed transcribed in TV 785 No.120. The plot of land at Laventure was subject to a seizure on 3rd September 1968 as per Seizure document 100 No. 29 in favour of R. Baichoo. Subsequently, the plot of land at Laventure becomes the property of R. Baichoo as per TV 1151 No. 138 dated 9th October 1968. The Commission notes that the land had been seized and sold by levy and purchased by the creditor on account of a loan taken by the applicant's relative which had not been paid.

\*\*\*\*\* CASE NAME: CROUCHE TJC/ L

#### Reference 1095 - 0.01% Coverage

L/0180/ CROUCHE Andrée Laval

The applicant, André Laval Crouche, in a letter addressed to the Truth & Justice Commission on 28th September 2009, writes that his ancestors owned a plot of land at Route Vaudagnes, Bambous. The family is in the process of obtaining necessary documents to prove the claim.

The Crouches made a request to the Commission to assist them in recovering the land. After searches made by the Commission, it is revealed that: It is a case where two people are claiming the same plot of land.

At the request of Laval Crouche, Land surveyor Chamroo drew up a Memorandum of survey on 14th November 2000 registered in L.S 41 No. 6743 as a prerequisite for the said Laval Crouche to prescribe a plot of land of extent of 995.13m<sup>2</sup>. On 24th March 2006, Louis Mario, of Vaudagnes Street, Bambous objected to the transcription of the affidavit, through his Attorney N. Rama in respect of the above-mentioned plot of land on the ground that Laval Crouche has never occupied that plot of land and that Louis Mario has always resided on the land.

On the other hand, the Commission has been made aware of the transcription of a declaration of prescription made by Louis Mario and prepared by Notary J.I.P Avrillon dated 3rd May 2006 in TV 6493 No. 47 in respect of the same land.

The wife of Laval Crouche brought a copy of the affidavit of prescription made by Louis Mario, wherein it is stated that "Louis Mario has presented a portion of land of 896.77 square mètres

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#### Reference 1096 - 0.01% Coverage

Truth and Justice Commission 261

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situated in the district of Black River place called Bambous, Vaudagnes Road". It was then that the Commission was made aware that the said Louis Mario is her step-brother. Her husband had authorized Louis Mario to occupy part of the land and the latter prescribed same.

Louis Mario and Marie Thérèsia Crouche were called to depone before the Commission on Wednesday 8th September 2010. Both gave different versions on how they prescribed the same plot of land at Bambous at different time. Whereas Marie Thérèsia Crouche said that the said land has belonged to her family for a very long time, it is only in 2002 that she and her husband decided to prescribe the land.

more than 35 years, built a small house thereon, and, in turn, decided to prescribe the land in 2006.

The Commission has been informed

#### Reference 1097 - 0.01% Coverage

appropriate Court for a decision.

As the case is before a Court to decide who the real owner of the land is, the Commission cannot express an opinion in this case.

\*\*\*\*\* Louis Mario, for his part, avers that he has been living on the same land for CASE NAME: NEERUNJUN TJC/ L/0181/NEERUNJUN KRESHNA

Khreshna Neerunjun, the applicant, writes in a letter addressed to the Truth & Justice Commission on 9th September 2009 that his land and house have been sold illegally by levy in 2005. He has lodged several complaints to several Departments but in vain. Furthermore, he has not been paid any salary from December 2004-July 2005.

The Commission wanted to know

#### Reference 1098 - 0.01% Coverage

wages / salaries from his employer.

Neerunjun could not pay the monthly installments of his loan obtained from the Mauritius Housing Corporation. His land was seized and sold by levy.

Fortunately, his son was able

#### Reference 1099 - 0.01% Coverage

property at the Master's court.

The Neerunjun family has already lodged a complaint with the labour office concerning the nonpayment of his wages/salaries and the case had been lodged in Court. This illustrates the difficulties that most small workers encounter and how they may easily lose everything: land, houses, properties.

\*\*\*\*\* Truth and Justice Commission 262

#### Reference 1100 - 0.01% Coverage

Truth and Justice Commission 262

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: AUGUSTIN/EROOLEN TJC/ L/182 EROOLEN CYRIL ANDRE Three cases were referred for investigation for the Eroolen family on their ancestor, Arthur

Augustin. Cyril André Eroolen, the

#### Reference 1101 - 0.01% Coverage

recover all the lands mentioned.

Case 1 The applicant says that after having done research with his brother on land owned by his ancestors, they discovered, through Attorney Khadaroo, that they owned a plot of land of 103 Acres, in Congomah, Les Marrianes, which originally belonged to their great-grandmother Elvina Sophie. According to him, the

land was abandoned by the owners due to the epidemic of "la peste" [the plague] to resettle in Port- Louis. The land was left unoccupied and neglected. The applicant declares that since then there has been much construction of buildings and plantations on the plot of land. He also mentioned that Attorney Khadaroo asked them to bring someone who had information and testify with regard to that particular plot of land and its owners. Applicant and his brother deplored the fact that when they brought an old resident of that locality, they alleged, that the Attorney tried to dissuade them from pursuing their research and to put an end to their effort in trying to retrieve the land on the basis that the case was too old and too many developments had already been undertaken on the land. Applicant also mentioned that throughout his research, he has been misled by several persons whom he paid.

Case 2 Applicant says that the family owns land belonging to Arthur Augustin, his grandfather. Land is of the extent of one and a half acre situated at Roches Bois.

Case 3 Applicant declared that his family owned several plots of land at Pamplemousses and several other locations. Late Hervé Janvier had shown him a list of land that his family possessed.

Searches were carried out by

#### Reference 1102 - 0.01% Coverage

Commission on the issues presented.

Case 1 Searches revealed nothing in respect of that plot of land of an extent of 103 Acres at Congomah which allegedly belongs to Elvina Sophie.

Case 2 The Roche-Bois issue is interesting as copy of the title deed TV 138 No. 322 is appropriate. In fact, the "Répertoire" 107 No.288, of Arthur Augustin confirms the acquisition from Charles Marie Erasile Bazeilhac (widow of Arthur Augustin) dated 19th October 1880 of a plot of land at

Brun by

Roche Bois of

#### Reference 1103 - 0.01% Coverage

of land at

Brun by

Roche Bois of an extent of  $\frac{1}{4}$  individued in  $1\frac{1}{4}$  Arpent (that is,  $\frac{5}{16}$  Arpent). There has not been any "mutation" and as such, the land is still the property of heirs Arthur Augustin. However, the plan submitted by the applicant is not relevant to that land.

Case3 There is no plot of land in the name of Arthur Augustin in the "Répertoire" for the Pamplemousses site.

The Commission is of opinion that if there is no substance regarding the first and third case as documents and information are missing or lacking, the 2nd case- concerning the land at Roches Bois, where widow of Arthur Augustin purchased undivided rights in the portion of land as per deed transcribed in TV 138 No. 322 appears genuine. According to searches carried out at the Mortgage office, undivided rights of widow Augustin in the land have not been sold.

A meeting was held with

#### Reference 1104 - 0.01% Coverage

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: BOIVIN TJC/ L/0183 /BOIVIN ALEX

The applicant, Alex Boivin, mentions two plots of land, admeasuring respectively 72 Acres at Centre de Flacq and 17 Acres at Palmar, Quatres-Cocos as belonging to his great grandfather, Charles Alexy Boivin, to which he is a direct heir, through his mother, Marie Julie, granddaughter of the said Charles Alexy Boivin. The applicant says that he got to know about these two plots of land through one Gaëtan Duval, who works at the National Archives, a friend of applicant's son, Jean Patrick Boivin.

Alex Boivin relates that part of the land has been sold and he has neither been informed nor given a share of the sales, while another part of the land has been occupied by Société Constance for 200 years. According to the applicant, the "Société Constance" refuses to open any negotiations so that he could recover the land which, he believes, forms part of the "héritage". The Commission analysed some of the Documents submitted. His averment is that his grandfather, Charles Alexy Boivin, had a plot of land of extent 17 Acres at Palmar was investigated. "Case hypothécaire" 19 No.180 indicates an entry that Emilien Boivin had on 2nd February 1884

acquired from Alvare Michel undivided rights to a plot of land of the extent of 7 Arpents at QuatreCocos, as evidenced by title deed transcribed in Volume 170 No.126.

However, there is also another entry to the effect that this plot of land has been sold on 26th March 1912 "les Droits indivis nue propriété" to one J. E. Michel, as evidenced by TV 291 No. 322.

As regards the claim for the plot of land of extent of 72 Arpents (but in reality 62 Arpents 64)at Centre de Flacq, it appears from copy of Survey plan of land, Land surveyor Edouard Hallot dated 28th February 1858, that the said plot of land of Alexis Boivin was sub-divided among his heirs and attributed as follows: • Portion of extent 31 Arpents 32p to Anna Perrin • Portion of extent 5 Arpents 22p to Marie Noami Boivin • Portion of extent 5 Arpents 22p to Michelle Aglace Boivin • Portion of extent 5 Arpents 22p to Charles Alexis Boivin • Portion of extent 5 Arpents 22p to Indérille Elonida Boivin • Portion of extent 5 Arpents 22p to Jean Nemours Boivin • A first portion of extent 4 Arpents 65p to Augustine Anaïs Boivin • A second portion of extent 57 p to Augustine Anaïs Boivin, thus, making an aggregate extent

Reference 1105 - 0.01% Coverage

and TV 465 No. 273.

In the light of the above, it is felt that there is no plot of land still in the name of heirs Charles Alexis Boivin, at Quatre-Cocos.

\*\*\*\*\* CASE NAME: NOHUR TJC/0184

Reference 1106 - 0.01% Coverage

TJC/0184/NOHUR MOHAMED YASHIN

Yashin Mohamed Nohur, the applicant says that his great-great-grandfather Nohur 85469 bis, married Sofina 324430. Nohur and Sofina had 3 sons and 7 daughters. One of them was Ismael Nohur who was applicant's great-grandfather. Ismael Nohur had a son named Mamode Aniff (applicant's grand-father). In 1923, Ismael Nohur bought a plot of land of 25 Acres at Goodlands, Rivière-duRempart and then he sold 10 perches to his son Mamode.

#### Reference 1107 - 0.01% Coverage

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#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Mamode Aniff Nohur left the 10 perches to all his heirs through an "affidavit de succession". Ayoop Nohur, the son of Mamode inherited 6 perches and his daughter, Rubeda Nohur, perches. The applicant is actually occupying the 6 perches of land without any problem.

inherited 4

Mohamed-Khaleed Nohur

#### Reference 1108 - 0.01% Coverage

the Commission is to: (i)

(ii) investigate about the real heir of the plot of land of 4 perches;

how the land of his aunt Rubeda Nohur is actually occupied by his cousin Mohamed Khaleed Nohur even if his name is not mentioned in the will of Mamode Aniff Nohur; and

(iii) why the name of

#### Reference 1109 - 0.01% Coverage

Commission to establish the truth.

After searches, the Commission establishes the facts of the case are as follows: In terms of a deed drawn up before Notary B. Seesurrin transcribed in Volume 367 No. 237 dated 14th April 1924, Mamode Aniff Nohur bought a plot of land of an extent of 10 perches at Goodlands from Ismael Nohur.

In terms of another deed drawn up before Notary Redmond Hart de Keating transcribed in Volume 1123 No. 35 dated 13th March 1970, Mamode Aniff Nohur sold to his son Ayoob Nohur the bare ownership of 6 perches (out of 10 perches), while he retained the usufructuary rights in the portion of land in his favour and that of his wife.

Mamode Aniff Nohur passed away

#### Reference 1110 - 0.01% Coverage

the remaining area 191.25m<sup>2</sup>.

The contention of Mohamed Yashin Nohur, grandchild of Mamode Aniff Nohur, is that one Mohamed Khaleed Nohur is actually occupying the land of extent of 4 perches which he avers belongs to his aunt Bibi Rubeda Nohur. Mohamed Khaleed Nohur's name, the occupier, does not appear as a heir in the will of the late Mamode Aniff Nohur.

The applicant had a meeting

#### Reference 1111 - 0.01% Coverage

ownership of the 4 perches.

The searches also revealed that according to a deed drawn up by and before Notary Joseph Marcel Joson, transcribed in Volume 7553 No. 8 dated 16th November 2009, Rubeda Nohur has sold the land of extent of 4 perches (now 191 m<sup>2</sup>) to Mohamed Khaleed Nohur for the sum of Rs. 300,000.

In the light of the

#### Reference 1112 - 0.01% Coverage

Truth and Justice Commission 265

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: APPADOO TJC/ L/0185 VALLIAMAH VIRASAMY

The applicant, Virasamy Valliamah, avers that a plot of land at Chamouny, belonging to his late father-in-law, Appadoo Virasamy, has not been equitably shared among the heirs and compensation has not been given to those who were allocated a lesser share of land. He filed a case in the Supreme Court ten years ago, but stopped the legal procedure because of increasing costs associated. He wants to have an equitable share.

The applicant has not submitted

#### Reference 1113 - 0.01% Coverage

SAVRY MARIE RHIMANTE born ANTOINETTE

The applicant, Marie Rhimante Savry, avers that there are legal irregularities concerning a plot of land of an extent of 22 Acres 85 perches located at Petite Pointe-aux-Piments, Pamplémousses District, which originally belonged to François Gustave Castor, her great-grandfather.

applicant declares that she is an heir, among many others, of the said plot of land through her grandmother Germaine Gustavie, the granddaughter of François Gustave Castor. Marie Rhimante Savry avers that there are people like late Soomundur & Heirs as well as one Bundhoo, who are using part of the land for plantation purposes and are now claiming ownership of the land.

In 2001, the applicant, with other heirs, entered legal action against the Mauritius Irrigation Authority to prevent them from using the land. The case was mentioned in a local newspaper. The applicant notes that the land is not abandoned, as some heirs of that plot of land have already built their houses on it and her cousins used it for cattle-rearing purposes.

She requests the Commission to intervene and regularize the legal situation of that plot of land so that all the heirs might obtain their fair share.

Marie Rhimante Savry deposed before the Commission and explained how over the years the land has passed on to a number of heirs and successors. In so far as the applicant is concerned, it appears that the share bequeathed to her was originally of 2 Arpents and not 22 Arpents.

A report by Land surveyor R.A. Jeewa, in the context of a case at the Supreme Court (SCR No. 59941) mentions that the limits of the property have been modified. For years, she has been trying to regain her lost property and has spent quite a considerable amount of funds towards that end, but in vain.

Solicitor Ramano, who has been

#### Reference 1114 - 0.01% Coverage

Truth and Justice Commission 266

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: L'INDIFFERENTE/THOMAS TJC/ L/O187/RUSSIE JOSEPH CARL

Jean Carl Russie claims that his great-grandmother, Gilda L'Indifférente, married one Thomas who was the owner of two plots of land of 1 Arpent 27p and 1 Arpent 20p approximately situated at Grand Gaube. The applicant occupies part of the second plot of land, that is, the 1 Arpent 20 p. The first plot of land, that is, the 1 Arpent 27 p is occupied by two families. He made a deposition to the Line Barracks Police Station but nothing has been done and these families are still illegally occupying the land. He has many problems with them.

Three heirs to these lands: Monique Lacharmante, Yolande Thomas and Stellina Laichoo have made a "bordereau d'achat" (purchase note) on the 1 Arpent 20 perches with one Ramano who has paid them a sum of about Rs. 1,100 – Rs .1,500. Meanwhile Russie's uncle has made a prescription on the 1 Arpent 20p occupied by him. In 1975, the applicant's father went to Court and was able to cancel the prescription. The Court sent Land surveyor Sunassee to survey the land. Since the applicant's father did not pay Surveyor Sunassee, the latter did not register his report at the Registrar Office.

As Ramano is now deceased, the applicant contacted his daughter who is an Attorney-at-Law. She told him that she has nothing to do with the agreement that her father made with the three heirs. She told Mr. Russie that her father was a "prête-nom" for Surveyor Sunassee who was the brother-in-law of her father. It is Sunassee who wanted to purchase the land. She also declared that the applicant could do whatever he wanted with this land and that she would not interfere. Jean Carl Russie wants the Commission to help him prove that he is a legal heir to both lands and to get his share of the land. He submitted no document, saying that that he would bring all his documents when he would depone.

After searches undertaken by the

Reference 1115 - 0.01% Coverage

the case are as follows:

In terms a deed dated 14th November 1890 and transcribed in Volumes 193 No. 382 and 218 No. 3, late Marie Ezilda L'Indifférent (wife of Clément Thomas) purchased two plots of land at Grand Gaube each of extent of 1 Arpent. No affidavit establishing the names of the heirs to that succession was drawn up at the death of Marie Ezilda L'Indifférent and that of her husband.

On the 18th September 1958, Late Joseph Russie, apparently one of the heirs of Ezilda L'Indifférent, caused an affidavit of prescription to be sworn alleging that he has been occupying with all the requirements of prescription, a portion of land of the extent of 1 Arpent (being one of the 2 plots here referred. The affidavit of prescription is transcribed in Volume 762 No. 82. One of the heirs of Ezilda L'Indifférent, namely Elibert Russie, entered a case against the heirs of late Joseph Russie, before the Intermediate Court (CN 149/73) and obtained judgment against them namely: the affidavit is declared null and void and the land belongs to the legal community of goods and property which has existed between late Marie Ezilda L'Indifférent and late Clément Thomas and consequently it now belongs to the succession. There is in file a dépôt being an "acte sous signatures privées" registered in TV 2652 No. 8, dated 21st November 1975 purporting to be a sale of undivided rights amounting to 3/5 of the above properties made by the 5 heirs of E. L'Indifférent to Lutchmaya Ramano. It seems that only a part payment of Rs. 3,300 out of Rs. 15,000 was effected by Lutchmaya Ramano and that the "solde" was to be paid to Samy Sunassee on the day of the signature of an authentic deed.

In the meantime, Samy Sunassee

Reference 1116 - 0.01% Coverage

undivided rights in the succession

The Commission is of opinion that the heirs may now proceed with the division in kind of the land and have been so advised.

\*\*\*\*\* Truth and Justice Commission 267

#### Reference 1117 - 0.01% Coverage

Truth and Justice Commission 267

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: GEEFFREY or (GEOFFREY) WILFRID TJC/ L/0188 FRANCHIN MARGARET (born PAUL)

The applicant, Margaret Franchin says that her grandfather, Wilfred Geffrey, owned a plot of land of 1 Arpent at Saint-Martin, Baie du Cap. Wilfrid Geffrey borrowed money from one Cader Hossenbaccus and therefore sold the said 1 Arpent in a 'vente à réméré'. The applicant says that Cader Hossenbaccus had by then sold the land to one Makia Luchmun and Wilfrid Geffrey did not do anything to get his land back. The land has been sold to 5 different persons since then. The family wants to know whether they still have rights to the property and eventually get it back.

Searches carried out at the

#### Reference 1118 - 0.01% Coverage

propriétaire incommittable du dit bien''.

In the light of the above, the Commission is of opinion that Wilfrid Geoffrey having not exercised his right to re-acquire the land within the set period, Cader Hossenbacus was in his right to sell same. Consequently, the heirs have got no rights to the land now.

\*\*\*\*\*

Lucheemun, a plot of land

#### Reference 1119 - 0.01% Coverage

rights to the land now.

\*\*\*\*\*

Lucheemun, a plot of land at St. Martin. There is an observation in the deed to the effect that "qu'aux termes du contrat d'acquisition sus

CASE NAME: ESPIEGLE TJC/ L

#### Reference 1120 - 0.01% Coverage

L/0189/ESPIEGLE Louis Philippe

Louis Philippe Espiègle, the applicant, says that his grandparents owned four acres of land at La Croisée, Glen Park, Vacoas, where he is presently living. There are many other people occupying the land. He says that one Antoine Teddy Ghoorana, a heir, prescribed part of the land and sold it to K. Gopaul.

The applicant says that he



#### Reference 1121 - 0.01% Coverage

Antoine Teddy Gourana prescribed the land but he was unaware when the land was sold. He further adds that the land is, however, still unoccupied and he wants to recover the land.

Searches undertaken by the Commission reveal the following: • According to a deed of sale transcribed on 14th April 1875 in TV 118 No. 7, Delphine Battoire sold to Victor Espiègle ¼ undivided right of a portion of land of extent 4 Arpents at Croisée Glen Park.

• According to another deed of sale dated the same day transcribed in 117 No. 364, Delphine Battoire sold to Ernest Maccabée ½ undivided right in the above- mentioned portion of land.

Truth and Justice Commission 268

#### Reference 1122 - 0.01% Coverage

Truth and Justice Commission 268

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

• According to an Affidavit of Prescription dated 15th April 1987 and transcribed in TV 1895 No. 86, Marthe Anodin (widow of Louis Gabrielle L'Aiguille) caused 2 portions of land at Camp Créole, Glen Park to be prescribed. The first of an extent of 1474.6m<sup>2</sup> and the second of extent of 1033.1 m<sup>2</sup>.

The above plot of 4

#### Reference 1123 - 0.01% Coverage

Derblay being appointed as Arbitrator.

As regards Antoine Teddy Goorana, the only plot of land having belonged to him is "droits indivis" in an extent of 18.5 perches which he sold to Carcasse and others at Vacoas, as evidenced by TV 1663 No. 55 dated 28th March 1989.

The above report refers also

#### Reference 1124 - 0.01% Coverage

of

• Plots of School.

Hollywood.

land of a total extent of 210 Arpents at Glen Park, Camp Roches and land on which stand Saint Paul church, C.W.A offered Glen Park Government

• It is not known how

#### Reference 1125 - 0.01% Coverage

revealed that Victor Espiègle had

acquired on 14th April 1875 as indicated by TV 118 No. 7, one quarter of undivided rights in a plot of land of extent of 4 Arpents from Delphine Battoire.

- "Répertoire" 65 No. 325 indicates that this plot of land ¼ undivided rights in the 4A as purchased by Victor Espiègle has not been sold.

In conclusion, according to deed transcribed in TV 118 No. 7 and confirmed by searches carried out at the Mortgage Office, it appears that Victor Espiègle purchased ¼ undivided rights in ownership in a portion of land of 4 Arpents at Plaines Wilhems; the other co-owners are Jean Félix Sinapa and Jeanne Battoire. The land of 4 Arpents has not been sold and or disposed of. The applicants have been advised to establish themselves by way of an affidavit of succession that they are the heirs and successors of Victor Espiègle. The heirs should then proceed with the division of land.

As regards the second case, the portion of land is not mentioned in the "Case hypothécaire" of Victor Espiègle.

\*\*\*\*\* CASE NAME: DALMOND TJC/L

#### Reference 1126 - 0.01% Coverage

Truth and Justice Commission 269

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Bank. The applicant saw in

#### Reference 1127 - 0.01% Coverage

help him recover his money.

Case 2 On the other item of land recovery, the applicant says that his grandfather, Jugdarry Dalmond, purchased 2 portions of land from Médine Sugar Estate. The two portions of land are respectively 2.2 Acres of land at Bassin Road, Quatre-Bornes and 2.2 Acres at Palma, Quatre-Bornes. The applicant does not remember the year of purchase. The father of Jugdarry Dalmond had nine heirs including the latter. However, the Civil Status Office does not recognize Jugdarry Dalmond. The latter died at the age of nineteen and the remaining eight heirs sold the land. Applicant says that the land belonged to the heirs of Jugdarry Dalmond and an injustice had been committed on them. They did not receive anything but they were aware when the land was being sold. The father of the applicant, Bennymadoo Dalmond, was sick and admitted to hospital for one month and he could not do anything. The applicant was asking himself how the authorities could have allowed this sale, without taking care of the heirs of Jugdarry Dalmond.

Dewanand Dalmond requests the Commission to prove that the land which the family is claiming belongs to Jugdarry Dalmond.

He further adds on 15th March 2010, whilst discussing his case at the Commission that when his grandfather purchased the land from Médine Sugar Estate, he was given a receipt. He asks also that the Commission looks for that receipt at the Mauritius Archives.

After searches and analysis of this case, the Commission concludes that Dewanand Dalmond's claim that his grandfather, Jugdarry Dalmond purchased 2 portions of land of 2.2 Acres each at Bassin Road, Palma, Quatre-Bornes does not stand as the very name of Jugdarry Dalmond does not appear in the Repertory at the Registrar General's Office.

However, there are 2 plots of land at Palma, La Louise having belonged to Dalmond Passenger as per TV 783 No. 29 dated 29th April 1958 and TV 353 No. 574 dated 4th April 1922. These have been sold out as evidenced by TV 795 No. 184 and TV 795 No. 144 dated same as at 25th September 1959.

In the light of the above, there is no plot of land still in the name of Dalmond ("Répertoire" 268 No. 807 and "Répertoire" 181 No. 147), as the two portions of land belonging to applicant's grandfather - not his father - have already been sold.

Dewanand Dalmond has been informed

#### Reference 1128 - 0.01% Coverage

Truth and Justice Commission 270

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: JOORAMUN TJC/L/0192  
AJOODHEA DHARAMDEO

The applicant, Ajoodhea Dharamdeo, claims that his ancestor, Tooramun Luchmun, has a plot of land of an approximate extent of 4 - 5 Arpents in the region of Congomah. The land was used for agricultural purposes and his grandparents and other relatives were cremated thereon.

He claims that at the death of his maternal uncle in 1997, one Soobrun Tangaree occupied the land illegally. His request that the Commission recover back the plot of land and distribute it among the rightful owners. Searches undertaken by the Commission reveals that Tooramun Luchmun married to Polestree Jankeepersad acquired in 1946, as per "Répertoire" 349 No. 267, 3 plots of land (i) at Calebasses of an extent of 1 Arpent, (ii) the family, then purchased ½ Arpent and 50 perches as evidenced by TV 499 No. 407 and, (iii) in 1975, acquired another 3 Arpents at Calebasses as evidence by TV 1275 No. 77.

However, on 3rd June 1992, Luchmun Tooramun sold the above-mentioned plots of land at Calebasses to C.Luchmun for the price of Rs. 100,000 as per TV 2356 No. 76.

The Commission is of the

#### Reference 1129 - 0.01% Coverage

per TV 2356 No. 60.

It is worth mentioning that a 'mise en demeure' as evidenced by TV 466 No. 787 on 6th June 1998, was served by Attorney at Law O.N. Abbasakoor at the request of heirs Luchmun Tooramun on Soobrun Tangaree regarding the illegal occupation by the latter on a plot of land at Calebasses.

The heirs of Tooramun Luchmun

#### Reference 1130 - 0.01% Coverage

en usufruit dans un tiers

indivis qu'il avait acquis...." being all that remains (after several distractions) from a portion of land of 14 Arpents 14 perches at Plaines Calebasses.

So, concerning the land mentioned in the 'Notes mise en demeure' same cannot be considered as the ancestors of applicant had 'only ½ TP, plus 1/8 "usufruit" in 1/3 undivided rights....'

As regards the occupation by one S. Taugaree, the Commission is of opinion that it is worth mentioning. It appears that the land is still in a state of undivision.

The applicant has been advised to proceed by way of division in kind ("partage") of the land among all the parties who have a share in the land. \*\*\*\*\*

CASE NAME: HOYBUN TJC/ L

#### Reference 1131 - 0.01% Coverage

HOYBUN BIBI FAWZIA (born BABOO)

The applicant, Bibi Fawsia Hoybun, says that her grandparents possessed a land of one acre at Grand River North-West. The land was equally divided between two heirs; the father and aunt of the applicant. She avers that she is now the only heir of the ½ acre of land.

She says that a family Goinden is living on part of the land since the 1980s. She made several complaints at the police station

#### Reference 1132 - 0.01% Coverage

Truth and Justice Commission 271

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The applicant even went to the Municipality of Port Louis, as the Municipal Council had a road built over their land without prior permission from the Hoybun family. This protest was not considered.

Several letters were written to

#### Reference 1133 - 0.01% Coverage

Louis to build their house.

On Tuesday 9th March 2010, the applicant went to the police station for assistance. Two policemen Nuttoo and Nasurally, from the Central CID visited the land. She has not been made aware of the outcome of the police enquiry.

Finally, fed up with such

#### Reference 1134 - 0.01% Coverage

194/314/ MAGON MARIE ANNE

Marie Anne Magon claims that her grandmother, Adycalum No. 337790 had a plot of land of an extent of 42 perches at Quatre-Bornes and that the grandmother's grandchild, one, George Thomassoo, lived on that land. It appears that George sold that land to people living in the surroundings. Another case has been referred to the Commission.

It relates to applicant's grandfather

#### Reference 1135 - 0.01% Coverage

Commission.

It relates to applicant's

grandfather, Anthony Thomassoo, who owned a plot of land "somewhere" of the extent of 19 perches. This case is being supervised by Solicitor, Jean-Christophe Bellepeau. They would like the Commission to investigate about the plot of land.

Searches undertaken by the Commission

#### Reference 1136 - 0.01% Coverage

Office have revealed the following:

In virtue of a Notarial deed drawn up by Notary, Paul Baissac dated 15th October 1913 and registered in CL 57 No. 1587, the Mauritius Estates and Assets Company Limited sold to l'Indienne Adycalum No. 337790, wife of Thomadoo No. 337789 a plot of land at La Louise of the extent of 92 perches and bounded by the survey report of S.L.S Parsons dated 7th October 1913 registered in Register in L.S11 No. 860.

It appears that as per TV 3229 No. 7, one Goindasamy Runghen did cause an affidavit to be solemnly affirmed to the effect that he had allegedly been in possession of and occupying with all the requisites of prescription an extent of 1769.85 m2 at La Louise according to a Memorandum survey drawn up by Land surveyor, S. Beehuspoteea, on 28th April 1997 and Registered in cs 33 No. 4597 on 17th November 1998 transcribed afterwards in Volume 3967 No. 2. R Goindasamy Runghen sold an extent of 1218.55 m2 excised from the prescribed portion of land of extent of 1769.85 m2 to Oomarduth Luckhun for and in consideration of a price of Rs. 578,000.

Thereafter Goindasmy Runghun sold the

#### Reference 1137 - 0.01% Coverage

transcribed in Vol 3967/103.

The applicant deponed before the Commission and was advised to initiate Court proceedings to recover the land prescribed. One Rajendri Veerapen later called at the office and informed the Commission that the Thomassoo family had retained the services of Land surveyor, K. Koheratee, to survey the land with a view to initiating a Court action.

It is not known whether

#### Reference 1138 - 0.01% Coverage

Truth and Justice Commission 272

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ELISE TJC/ L/196 ELISE MARIE MARCELINE (BORN BERNARDIN)

The applicant, Marie Marceline Elise, says that she leased a plot of State land, obtained through the Central Housing Authority (CHA) located at No. 10 Chebel Housing Estate. She mentions that with much effort and sacrifice she got the permission to build a tobacco shop ("tabagie") annexed to her house on that plot of land. However, the poor condition of the building prompted her to take a loan of Rs. 225, 000 from The Mauritius Housing Corporation (MHC) for renovation purposes. As the previous loan was not enough to complete the works, she applied for an additional loan of Rs. 50, 000 at the MHC. The loan was refused and MHC gave as reason that applicant did not have the relevant document from CHA.

Marie Marceline Elise was requested by CHA to modify the lease and apply for the purchase of the land on which her house is found. She engaged in the required procedures but a police officer, one Thomas, residing in the locality interfered in the process. According to applicant, Thomas, she alleges, in connivance with an officer of the CHA, one Runghen, prevented her from obtaining the relevant Documents to get her loan approved. As a result of this, applicant had to face several difficulties

ranging from inability to pay

#### Reference 1139 - 0.01% Coverage

the following came to light:

The complainant is owner of the CHA House standing on a portion of land at Cité Chebel leased as a residential site.

Apart from the house, she applied and obtained permission to have a General Retailer's shop on the land. Hence the rent was increased by Rs. 300.

While the question of arrears has been settled, the issue of ownership of the land is still arising. She may purchase the land as offered by Government, but in the first instance she has to settle the current rent.

Although the request of the applicant does not fall within the mandate of the Commission, it should be noted that after intervention, the issue of the payment of rent has been settled at a meeting held on 8th March 2010. The purchase by her of the land on which stands her house and shop from Government will solve all her problems.

\*\*\*\*\* Truth and Justice Commission 273

#### Reference 1140 - 0.01% Coverage

Truth and Justice Commission 273

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: JADDOO TJC/L/0197/JADDOO MAHMAD FAWSI

Mahmad Fawsi Jaddoo, the applicant, says that his grandfather owned a plot of land of 16 Acres at Petit Verger. When he died, the Spéville family prescribed the land and sold it.

The applicant  
came to know

#### Reference 1141 - 0.01% Coverage

and sold it.

The applicant

came to know this when the inhabitants of Moka told him that his grandfather had given 12½ perches to build a mosque. The Jaddoo family wants to get land back.

In a second claim, the applicant adds that his grandfather also owned an estate at Belle Rive. He does not know the exact location. When his grandfather died, the Island Estate took over the land. Moreover, he says that there are many prescriptions on the land and that he does not possess any document concerning this land.

Searches carried at the Mortgage

#### Reference 1142 - 0.01% Coverage

Hifzul Iman Society and the

claimant regarding a plot of land of extent of 12 ½ perches (1/8 Arpent) at Petit Verger, Moka, which plot of land is Waqf property.

In view of the above the claimant has been informed that after searches effected, his grandfather did not own land of the extent of 16 Acres at Petit Verger.

As regards, the land of extent of 12 ½ p, it is "Sub Judice". \*\*\*\*\*

CASE NAME CHRISTOPHE TJC/ L

#### Reference 1143 - 0.01% Coverage

##### MOV BIEN ETRE BATTERIE CASSE

This is a non-land issue, as the file deals with a project at Batterie Cassée for the construction of a development building and which requires State Land for that purpose.

In fact from the documents

#### Reference 1144 - 0.01% Coverage

by applicant Georges Karl Christophe.

On 15th August 1997, the Cabinet decided to release 4 Arpents of land at Carreau Ecalyptus, Batterie Cassée, for the purpose of constructing a polyvalent Sport Complex. The "Movement Bien-être Batterie Cassée" is complaining that nothing has been done up to now. The documents produced do not reveal a dispossession. As Batterie Cassée is a sensitive area where the residents feel excluded, the case has been referred to the Social Justice Section.

\*\*\*\*\* Truth and Justice Commission 274

#### Reference 1145 - 0.01% Coverage

##### Truth and Justice Commission 274

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: MOLLIERES TJC/L/199  
MOLLIERES EDLEY JOHN

Edley John Mollières, the applicant, and his brother say that their grandparents owned a plot of land of 15 Acres at Mare D'Albert. The cousins of the applicant inherited and bought several plots of land. They were proprietors of several sugar plantations. The applicant says that he is unaware of the history of land.

Chapman even guaranteed the Mollières for the purchase of land. The Chapman also filed a case against the Mollières for unknown reasons. The Mollières lost the case because they were not present during the hearing. The applicant says that he is unaware who the actual owners of the land are at present.

They request the Commission to rediscover the history of the land, recover the land and make justice prevail. They submitted a number of documents which have no bearing to the claim.

Searches undertaken by the Commission reveal that there is no plot of land of the extent of 15 Acres at Mare D'Albert in the name of the Mollières. In fact, the Mollières were in partnership with the Chapmans and, at one time, the Chapman became the owners of the land of the Mollières. No details were submitted regarding the Court case.

In the circumstances the claimant

#### Reference 1146 - 0.01% Coverage

##### Ronial Cassadin & A. Ah-Siong

According to the applicant, M. R. Sans Souci, his great-grandfather on the maternal side, Noë Sans Souci, was an heir of a plot of land of 6 Arpents 14 perches, situated at Pointe-aux-Piments. However, applicants were unable to find any document concerning the existence of Noë Sans Souci, except for his name on the birth certificate of Félix Sans Souci who is the maternal grandfather of applicant Louis Georges Jean Claude Sans Souci.

The plot of land is currently partly unoccupied and according to applicants, planters have entered and cultivated the other part of the land. Applicants Sans Souci and Ah-Siong are descendants of Félix Sans Souci through their mothers, while Ronial Cassadin is married to another descendant of Sans Souci. The applicants want to prove that they have legal rights to the plot of land through their ancestor, Noë Sans Souci, and eventually recuperate the plot of land.

The Commission carried searches which

#### Reference 1147 - 0.01% Coverage

of the Registrar General's Office.

However, further analysis of copy of "Répertoires" 30 No. 627 and 30 No. 632, obtained at the Conservator of Mortgages Office, the plot of land at Pointe- aux- Piments of an extent of 6 Arpents 14, belonged to the Sans Souci family namely Clara, Cécile, Victor, Loïd, Aline, René and Alphonse, jointly and individually 1/7 to each "dans la propriété de la moitié indivisé d'un portion de terrain de la contenance de 6 Arpents 14" as per TV 49 No. 213, dated 14th April 1848.

As there has not been entry to any sale, the Commission is of the opinion that the plot of land still belongs to the Sans Souci family by title. They have been advised to consult a Land surveyor to identify the land and subsequently to initiate action for the division in kind of the land once the family tree has been established.

Truth and Justice Commission 275

#### Reference 1148 - 0.01% Coverage

Truth and Justice Commission 275

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: POORUN TJC/L/0201/RANBALLY BAGO (born POORUN)

Bago Ranbally, born Poorun, the applicant claims that her grandfather Sookur Poorun was the owner of a plot of land of 1 Arpent 13 perches situated at Anse Courtois, Les Guibies, Pailles which he acquired by prescription. Her family has been occupying this land and she herself was born on this land. In the beginning of 1980, one Baulaucky contested their title. One day, she avers the said Baulaucky came and forced them to vacate the land by using force. He took all the family personal belongings and put these on the street. The applicant and heirs have brought a case to Court but they have lost their case because, they claimed that their lawyer did not present all the title deeds to the Court.

The family requests the Commission to help them to get back the land of their grandfather The Commission inquired into

#### Reference 1149 - 0.01% Coverage

Commission inquired into this case.

In short, the claim of Ranbally Bago, born Poorun is to the effect that the plot of land of about 1 Arpent at Les Guibies, Pailles, belonging to heirs Sookun Poorun, has now been taken over and prescribed by one Mamade Baulaucky who apparently sold it to one Atchia (Atchia Ceramica). The Commission has looked into the judgement – B. Poorun & Ors

(Plaintiffs) v/s M. Baulaucky



#### Reference 1150 - 0.01% Coverage

Plaintiffs) v/s M. Baulaucky

(Defendants) - wherein the Judge "agrees with the explanation given by the defendant's surveyor that the land mentioned in the said affidavit is probably lot 16, as earmarked by G. de Coriolis in his memorandum of survey and that the land claimed by the Plaintiffs comes from lot 7 of the same Document".

Called by the Commission on 21st March 2011, Ranbally Bago, who was accompanied by his sister, was explained of the above. The attention of his sister has been drawn to the fact that she has been occupying the wrong portion of land and that in their interest, they should locate the plot 7 which, it would appear, belongs to them.

\*\*\*\*\* CASE NAME: RAMKALAWON TJC/ L

#### Reference 1151 - 0.01% Coverage

kind of a piece of

land situated at L'Espérance, Quartier Militaire, discovered the existence of a piece of land of 65 perches situated at Dagotière, Valetta.

The applicant's grandfather, Ramdayah Ramkalawon, and grandmother, Durmateea Ramkalawon, maintained during their lifetime they once occupied and worked on a plot of land of approximately of 1 Acre in Dagotière. After the death of Ramdayah Ramkalawon, Durmateea asserted that they were dispossessed of that plot of land by their close relatives. The applicant did not clarify how this dispossession had taken place. However, it appears that the dispossession occurred in, what she qualifies, "an unjust manner."

The applicant and her family

#### Reference 1152 - 0.01% Coverage

and her family was all

unable to investigate into the matter. In fact, the land was prescribed by applicant's family. were unaware of this prescription

#### Reference 1153 - 0.01% Coverage

were unaware of this prescription.

Vinita Ramkalawon relates that her father was a minor at that time the whole issue of prescription occurred. His elder cousin, Haireelall Ramkalawon, having made successful application to become the guardian of minor Ramdayah Ramkalawon prescribed the land on behalf of the minor. Half of the land is sold and the other half is retained by one Charitar Ramkalawon, though the applicant is not sure about this.

The applicant's grandmother, having married

#### Reference 1154 - 0.01% Coverage

the applicant and her family

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

"délibération de conseil de famille

#### Reference 1155 - 0.01% Coverage

had not sold her rights.

Charitar Ramkalawon's father alleged that he was the actual person working on the land at Dagotière, not the grandfather and grandmother of applicant. And to back up this allegation, an affidavit was drawn up. This affidavit has been retrieved from the Registrar including prescriptions and subsequent sale documents of the land. The applicants have carefully read these Documents and discovered many inconsistencies in drawing up and execution of the Documents.

Some inconsistencies:

The applicant's grandparents

#### Reference 1156 - 0.01% Coverage

of the Documents.

Some inconsistencies:

The applicant's grandparents alone occupied the land, not the father of Charitar Ramkalawon who died almost 20 years before the prescription of the land.

Because the applicant's grandparents alone occupied the land after their grandfather's death, only the legitimate spouse and children would have the rights to prescribe the land. However, the 1956 prescription Document, as well as giving applicant's grandmother and grandfather that rights, gave all the brothers, sisters and their children the same right to prescribe the land as it was maintained that the land was left to them on the death of Charitar Ramkalawon's father who did not perform a civil marriage.

The Commission has, indeed, been

#### Reference 1157 - 0.01% Coverage

TJC/ L/203 MANDEEA VISNOOH

The applicant, Visnooh Mandeaa, avers that he and his wife were owners of a plot of land of 20 perches at Floréal. The plot of land originally belonged to the grandfather of applicant's wife. The latter lived on the land during 69 years while applicant lived there for forty years after getting married. The couple built their house on the plot of land. Visnooh Mandeaa declares that no one in his family was aware that one Harry Mungur prescribed the plot of land.

The applicant says that Mungur has been claiming possession of the land for around 25 years. This culminated into a Court case in 2004 which the applicant lost. According to Visnooh Mandeaa, his lawyer did not plead his case properly nor submitted all documents in Court.

He submitted a press article from which additional information was extracted. Visnooh Mandeaa requests the Commission to help him and his family in getting back the land.

On 12th August 2010, the

#### Reference 1158 - 0.01% Coverage

Commission as soon as possible.

An analysis by the Commission reveals that the case is thoroughly elaborated by a judgement delivered on 1st July 2002 by the Supreme Court against Nundloll Taken & Ors to quit leave and vacate a plot of land at Rivière Sèche, Floréal and to move out of the buildings by 31st August. Moreover, he was summoned to pay Rs. 25,000 as damages with costs, while the judgement holds that Harry Mungur is the rightful owner of the land by acquisitive prescription.

Truth and Justice Commission 277

#### Reference 1159 - 0.01% Coverage

Truth and Justice Commission 277

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Nundloll Taken, not satisfied with

#### Reference 1160 - 0.01% Coverage

two Judges in March 2004.

There is also on file the verbatim record of an oral question bearing no B/97 relating to the Takun family and the prescription of their land put up by Honorable Megduth Chumroo to the Honorable Prime Minister at a sitting of the National Assembly held on 22nd February 2005.

Commissioner Jacques David wrote to

#### Reference 1161 - 0.01% Coverage

L/204 ROUSSEL DESIRE EMMANUEL

Désiré Emmanuel Roussel, the applicant, says that his great-grandparents possessed a plot of land of 325 Acres at Plaine Magnien. He avers that the Mon Désert-Mon Trésor Sugar Estate cultivates sugarcane on the land. The applicant says that he is unaware of the history of land. He came to know about it by doing searches at the Archives.

Truth and Justice Commission 278

#### Reference 1162 - 0.01% Coverage

Truth and Justice Commission 278

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

He claims that his ancestors had a plot of land in the region of Grand-Port District. He avers that his family has been dispossessed of the land which is at present occupied by S.I.T.

He wants to recover the land and, in addition, to obtain compensation, he submitted some photos of a "pirate cemetery" being supposedly 'Cimetière Roussel' where members of the family are buried.

In support of his claim

#### Reference 1163 - 0.01% Coverage

Port, granted to Henri Roussel.

This case has been heard by the Commission. The applicant has not produced any affidavit of notoriety or Family Tree. He does not know the exact location of the land and it has not been surveyed. There is no site location plan or Survey report.

It is not known whether

#### Reference 1164 - 0.01% Coverage

family tree has been produced.

There is no indication that, apart from the tombs, the Roussel Family has ever occupied the land.

The "concession" document submitted is not an "Acte Authentique" and the dimensions of the "concession" are not given. The plan of the Land Surveyor Henri Mart drawn up on 22nd November 1770 is missing.

Searches undertaken by the Commission

#### Reference 1165 - 0.01% Coverage

the Commission revealed the following:-

- The above plot of land does not appear in the "Case hypothécaire" of Henri Roussel or that of Jean Baptiste Alexis Roussel.
- The "pirate cemetery" is in

#### Reference 1166 - 0.01% Coverage

Cemetery Magnien' having belonged to

- Presently, the above-mentioned plot of land which bears field "Number 4314" of an extent of 328 hectares belongs to Sugar Investment Trust having been acquired from Mon Désert Mon Trésor in 2005 in virtue of title deed transcribed in TV 4839 No. 60.

The claimant has not been able to prove occupation and possession of the land by his parents, grandparents or great-grandparents. All he knows is that his father went on the land regularly "to clean the tombs". There is no evidence regarding plantation and/or occupation of such a big plot of land.

The applicant has been advised

#### Reference 1167 - 0.01% Coverage

L/205 GUBHOO PRAKASH & Others

The applicant, Prakash Gubhoo, avers that his grandfather, father and other immediate family members lived on a plot of land at Grand-Gaube, Bati. He himself lives on the said plot of land. He declares that, in 1995, the Bigaunah family claimed the plot of land which he and his relatives occupy. Later, the Bigaunah family sued the applicant and his relatives in Court. The Gubhoo lost the case. The applicant recalls that after losing the Court case against the Bigaunah family, he agreed to buy the plot of land for Rs. 3 million without consulting and seeking the approval of his relatives (also living on the plot of land). When made aware of the commitment by applicant, his relatives refused to proceed further in the purchase.

Truth and Justice Commission 279

#### Reference 1168 - 0.01% Coverage

Truth and Justice Commission 279

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Gubhoo also avers that the Bigaunah family did not enter any procedure to sell the land to him; his move was intended to stop Bigaunah family from expelling him and his relatives from their houses. He appeals to the Commission to investigate how Bigaunah family won the case at the Supreme Court when the plot of land is still in the name of Gubhoo family.

The Commission analysed the whole

#### Reference 1169 - 0.01% Coverage

TJC/ L/206 DOOKNAH FRANCE

The applicant, France Dooknah, avers that his great-grandfather possessed a plot of land of 68.4 toises at Chemin Camp Poule, more precisely, at Distillerie Sainte-Hélène, Poste de Flacq.

He

explains that, in 1976

#### Reference 1170 - 0.01% Coverage

Hélène, Poste de Flacq.

He

explains that, in 1976, he paid off the other nine heirs to become the sole owner. One old lady used to live on the said land. As France Dooknah never lived on his plot of land, the neighbors always thought that the land belonged to the old lady. After the death of the latter, the neighbors squatted on the land.

In 1986, those who were still squatting the plot of land prescribed it. The applicant was not aware of this prescription. The applicant filed a case in Court, but, on the hearing day, that is on 28th January 2010, the Land surveyor was not present and he lost the case.

The Commission analysed the issue

#### Reference 1171 - 0.01% Coverage

to understand what has happened.

In 1976, France Dooknah purchased from D. Dabeedoyal & others all the rights in apportion of land of an extent of 60 toises at Poste de Flacq in the District of Flacq. The said deed is transcribed in Volume 1337 No. 233.

In 2000, the applicant caused the land to be surveyed by Land surveyor, Bernard Desvaux de Marigny, who, in a comprehensive report, gave a fresh description of the portion of land and reported that it is occupied by a one-storey house.

Following searches, he found out that the property had been the subject-matter of a prescription in July 1991 and described according to a Survey report drawn up Robert Foiret, Land Surveyor, on 25th July 1990.

In 2002, the applicant filed

#### Reference 1172 - 0.01% Coverage

that Bernard Desvaux de Marigny,  
the Land surveyor, was absent on that day. A request postponement by the plaintiff's Barrister was resisted  
by the respondent.

It seems that the Counsel appearing for France Dooknah had moved to withdraw the case on date of merits  
as his Land surveyor (a witness) did not attend Court and Counsel could not conduct the case. The case was  
struck out purely and simply.

The applicant Dooknah has been

#### Reference 1173 - 0.01% Coverage

Truth and Justice Commission 280

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: BUNDHOO TJC/L/207  
BALGOBIN DANWANTEE (born BUNDHOO)

Danwantee Balgobin, the applicant, says that her father and mother possessed land at the following places:

1. Near school, Bois Chéri

#### Reference 1174 - 0.01% Coverage

4. Near River, Bois Chéri.

There are eight heirs, and two are already deceased. Harry Bundhoo, applicant's little brother, has all the  
papers concerning the land. He has planted flowers and built a house on the land. He does not want to  
share the land and give the applicant her share of land. Applicant's father told her, before dying, that her  
sister and she will have their share of land near the school. The applicant says that she wants her share and  
she does not mind if she is given at any place. When applicant asked her brother for her share, he insulted  
her and even tried to beat her. Her brother even told her not to come at his house. She adds that her son  
and husband are seriously sick.

She has a  
daughter who

#### Reference 1175 - 0.01% Coverage

seriously sick.

She has a

daughter who is still studying and one for whom she has to perform the marriage ceremony. Applicant does  
not have enough money to pay Land surveyors and Lawyers. She wants to have her share.

After analysis of this case

#### Reference 1176 - 0.01% Coverage

L/M/208 DEVANNY OOMADUTSING

Oomadutsing Devanny, who deposed before the Commission, claims that he is one of the heirs of late  
Goordial Devanny and Shibdial Devanny who were co-owners of a portion of land of 5 Arpents situated at  
Bel Ombre, in the District of Savanne for having acquired same from Arthur Marrier d'Unienville on 15th

March 1987 as per TV 175 No. 283 in consideration of a price of Rs. 250. However, that land is burdened with an "inscription of privilege" for the sum of Rs. 125 in favour of A. M. d'Unienville as per INS 338/155, which inscription has not been erased.

The said portion of land was, in fact, purchased from Arthur Marrier d'Unienville in 1887; the applicant claims that in 1988, Bel Ombre S. E. blocked the access to the said portion of land.

In 2002, Oomadutsing Devanny caused the said portion of land to be surveyed by S. Beehuspoteea, Sworn Land surveyor; and he further avers that as a result of the survey he found out that part of the said portion of land was sold by Bel Ombre SE to the "Société de l'Abondance".

The case of the applicant rests on the report, mentioned above, made by S. Beehuspoteea. The ownership of the portion of land is established in TV 175 No. 283 and the affidavit of succession establishes the rights of the applicant.

From further searches made in the "Case hypothécaire", the portion of land remains as property for the "ayant droits" of succession Devanny. From the said report, the Land surveyor concludes

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#### Reference 1177 - 0.01% Coverage

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that the 5 Arpents of land belonging to the heirs Devanny has been wrapped up and sold by Bel Ombre Sugar Estate to the "Société de l'Abondance" in 1999 by virtue of TV 456 No. 382 and TV 456 No. 383.

The evidence gathered during this

#### Reference 1178 - 0.01% Coverage

#### M/210 GOODUR ABDOOL RESHAD

The applicant, Abdool Reshad Goodur, says that his great-grandfather possessed four Acres of land at Bois Pignolet. His father used to tell him that they possessed a plot of land there. He did some searches at the Mahatma Gandhi Institute. He once visited the land and found that there were sugarcane plantations thereon. Now, vegetables are being cultivated. Four persons were formerly occupying the land: one Sahabouah, one Bauboo, Tapsi and his daughter. They had leased the land from a deceased Goodur. At present, only one of them is occupying the land.

Abdool Reshad Goodur says that

#### Reference 1179 - 0.01% Coverage

Port Louis to obtain Documents.

He requests the Commission to help him to recover the land and to know the family history.

The Commission did an investigation which reveals that the applicant's great-grand-father and grand-father, Goodhur No. 191025, owned a plot of land of an extent of four Arpents at Plainessedes-Calebasses as per deed of sale dated 16th November 1882 and transcribed in TV 151 No. 327.

In the same deed of

#### Reference 1180 - 0.01% Coverage

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The above deed of sale is accompanied by a Survey Report, drawn up by Land Surveyor Langlois, dated 17th October 1882 register L.S 4 No. 734.

Land surveyor Maurice Dumazel drew up a new survey Report dated in March 1987 registered in L.S 23 No. 8362.

These are also copies of a lease agreement, where the land was given on lease for cultivation purposes for period of 5-7 years.

1964. 6. Further searches have

Reference 1181 - 0.01% Coverage

searches have revealed the following;

- In virtue of TV 626 No. 113 dated 25th May 1954 Allyjaun Didarally caused to be prescribed the above plot of land of an extent of 4 Arpents.
- According to a notarial deed

Reference 1182 - 0.01% Coverage

4 Arpents à Calebasses.'

- In terms of a deed (TV 1899 No. 6) dated 21st December 1988 Adoo Bauboo is the owner of the plot of land at Calebasses.

In the light of the above findings and the fact that late Goodhur No. 191025 has undivided rights in the four-Arpent plot of land, it is difficult for them now to claim any share in the above plot of land.

The Commission showed it is of more serious concern when the applicant, Abdool Reshad Goodur, was assaulted by one Bauboo after deponing before the Commission, when he went to visit the land.

A police enquiry has started

Reference 1183 - 0.01% Coverage

has started in this case. \*\*\*\*\*

The land was leased to one Osman Bauboo for period 1957 to CASE NAME: HERMINETTE TJC/L/212/RAGOO CHILA MERIENNE FRANCOISE

The applicant, Chila Mérienne Françoise Ragoo, inherited a plot of land of 383.50 m sq. situated at Petit Verger, Pointe-aux-Sables from late Marie Lucienne Herminette. The latter passed away in 2008. The applicant became aware of her inheritance after knowing the contents of the will. She contacted Land surveyor Zahur Ahmad Khuram Beegun to survey the plot of land. One Toman Seewoo objected to the survey claiming ownership of the plot of land. The applicant declares that the latter had prescribed the plot and also claimed that Seewoo got the land surveyed by faking the signature of one Bise.

A Court decision enabled the land survey to take place and it was thus determined that Seewoo is not the rightful owner of the plot. The applicant has currently claimed ownership of the land. However, according to him, two deeds of ownership exist for that same plot of land, one being in the hands of Seewoo.



The Ragoo family requests the Commission to determine in which circumstances Seewoo prescribed a plot of land not belonging to him and thus clarify the legal status of land so as to prevent any future problem that could arise, due to irregularity in the documents

From documents submitted, it appears

#### Reference 1184 - 0.01% Coverage

Truth and Justice Commission 283

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- There is no 'occupation trentenaire'

#### Reference 1185 - 0.01% Coverage

of less than 25 years.

- The names of adjoining owners put in by Land surveyor S. Beehuspoteea for Toman Sewoo seems to be fictitious as the title deeds of ownership are not given.
- However, the Memorandum of survey put up the Land surveyor A. K. Beegun for Chilla Marianne Ragoo (daughter of M.L. Herminette) is in line with the Land surveyors' Act adjoining owners' names and title deeds put up in Report.
- In the circumstances, there is

#### Reference 1186 - 0.01% Coverage

action before the appropriate Court.

This is a sad case of a person who has received a plot of land by Will and Testament but which has been prescribed by a third party, in an attempt to dispossess the real owner.

\*\*\*\*\* CASE NAME: RAMTOHUL TJC/ L

#### Reference 1187 - 0.01% Coverage

TJC/ L/0213/RAMTOHUL TRITIKUMAR

Tritikumar Ramtohum, the applicant, avers that Bel Ombre Sugar Estate leased and sold marginal land, due to a lack of finance and manpower, to planters.

The applicant underlined that he

#### Reference 1188 - 0.01% Coverage

The applicant underlined that he

purchased this land from two planters ten years ago. He now owns seven acres of land at SainteMarie. He cultivates the land. There was a decrease in the price of sugar cane and an increase in the price of fuel. This increased the cost of production. Bel Ombre Sugar Estate proposed to 109 planters to vacate the land and compensate them. 104 planters signed and accepted the deal. Five did not, including the applicant. The

Sugar Authority acted as a regulator between the applicant and Bel Ombre Sugar Estate. But the applicant avers that the Sugar Authority acted in favour of the Bel Ombre Sugar Estate.

Tritikumar Ramtohul had a meeting with Minister Satish Faugoo at the Ministry of Agro-Industry. The latter proposed a new formula to applicant which he did not accept. On the 19th July 2009, the applicant met the Minister at a second meeting. He promised him that justice will be made for his case. A Technical Committee was to be set up to evaluate the land and a report will be made. This, according to the applicant, was never done.

The applicant wants the land to be surveyed and an equitable compensation be made. He awaits that the report of the Technical Committee and wishes that Committee to treat his case separately from the planters of Flacq.

This case of "métayage" and

#### Reference 1189 - 0.01% Coverage

Truth and Justice Commission 284

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: SREEPAUL TJC/ L/M/218/ SREEPAUL KULWANTSING

Kulwantsing Sreepaul, the applicant is the son of late Jaynutsing Sreepaul, a "métayer", who had 40 Arpents of land under "métayage" at Chazal Chamouny, Chemin Grenier with St. Félix Sugar Estate, for the period 1950

#### Reference 1190 - 0.01% Coverage

them could get proper education.

He wishes the Commission to investigate why St Félix Sugar Estate took back the land as well as the "métaying" rights from his father.

- He wants himself and his

#### Reference 1191 - 0.01% Coverage

he endured during his childhood.

This case concerns a "métayer" land of 40 Arpents which was being occupied by the late father of applicant; the case is being dealt with along with the "métayer" cases in this report at CHAPTER 2.

\*\*\*\*\* land CASE NAME: KHISTO TJC/ L/0214 KHISTO JAYSING

Jaysing Khisto brought two cases before the Truth and Justice Commission. In his first application, he sustained that his grandfather (Samchan/Sam Khisto) was occupying the Barachois Estate, Tamarin (801 Acres) as administrator. One L'Oiseau was working with him and knew all his secrets. When Sam Khisto passed away, L'Oiseau, from what the claimant says, fooled the uncles of the applicant to take loans and he took the money. The uncles could not repay the loans and they lost the land. Actually, one Dr. Jubhoo is occupying the land. The applicant explains that he tried to contact the actual occupier, but in vain. He adds that the tomb of his grandfather was located on the land but had recently been demolished. He also adds that his sister, Pushwantee, lived on the land for a period of 8-10 years.

Jaysing Khisto wishes to get back the land and is prepared to go as far as to buy the land as it represents a souvenir of his grandfather. He also expresses

the wish to be compensated

#### Reference 1192 - 0.01% Coverage

as a measure of fairness.

In his second claim, he explains that on his father's death, his family was living at Riche Mare, Central Flacq over a plot of land of 1 ½ acres. Some years later, the remaining family left the land and went to live at his grandmother's place at Terre Rouge. He wants to get back the land at Riche Mare.

From searches carried out at

#### Reference 1193 - 0.01% Coverage

Truth and Justice Commission 285

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May 1927, 29 Arpents to

#### Reference 1194 - 0.01% Coverage

L/M/217 TATTEEA BAJEERAO

The applicant, Bajeerao Tatteea, is a "métayer" and was cultivating a land of 4 Arpents at Bel Ombre, more precisely at Section D'Ambris. He states that Bel Ombre Sugar Estate will take back land and supposedly, on Friday 14th May 2010, compensate all "métayers" financially or offer them a plot of land.

The applicant wants to be fixed as soon as possible whether Bel Ombre Sugar Estate will compensate him or offer him a plot of land.

This is a case of

#### Reference 1195 - 0.01% Coverage

TJC/ L/0215 SEERUTTUN DAYADHARRY

Dayadharry Seeruttun writes that his late father possessed a plot of land of half an acre at Triolet. A few years ago, someone built a house on the land. The applicant went to the District Council and paid for the services of a Land surveyor to help the family retrieve the land. heirs have been denied access by the people illegally occupying the land.

But the Seeruttun

The Commission

#### Reference 1196 - 0.01% Coverage

the land.

But the Seeruttun

The Commission, keen to have an exact picture of the whole situation undertook some searches and found out that in terms of a Notarial deed drawn by E. Hart de Keating on 28th November 1945, duly registered and transcribed in Volume 672 No. 192, Ramduth Seeruttun purchased ½ A of land excised from a plot of 2 Arpents 08 in extent situated at Triolet.

Nevertheless, it is not clear

#### Reference 1197 - 0.01% Coverage

represented by the eight children.

It would appear that the land has been squatted upon or prescribed by someone who is denying them access to the property and who has objected to the survey of the land.

The applicant has been advised

#### Reference 1198 - 0.01% Coverage

286 issue which should be

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The applicant must enter a

#### Reference 1199 - 0.01% Coverage

TJC/L/0219/BEEFNAH DHARAMDEO

Dharamdeo Beefnah, the applicant states that he is the owner of a plot of around 50 perches at Mahatma Gandhi Lane, Arsenal, which he bought in 1992 from his maternal aunt, Lilawtee Choolun. He also avers that the land was originally acquired in 1929 by his maternal grandfather, Ramparsad Choolun.

Beefnah declares that Massillia Limited erected a canal on the plot of land in the period 1950-1955 without any written contract or agreement. He relates that the canal through the years has become larger and deeper, hence obstructing access to part of the plot of land. He further states that Massillia Limited is unwilling to look into the matter, for there is no written agreement with clearly stated terms and conditions concerning the canal.

Dharamdeo Beefnah requests the Commission to look into the matter so that a written agreement is established with Massillia Limited in order that (i) Massillia Limited takes the responsibility of maintenance of the bank and bed of the canal, (ii) to regularize access for applicant to the other part of the plot of land through a bridge or any other system.

The Commission analysed the whole situation: the land formed part of a plot of 50 perches which were divided into 4 lots in 1991, as per the plan of Sworn Land surveyor Tupsy. The Commission notes that no mention is made of any canal crossing the property in previous deeds, or any reference of that canal constituting a service burdening that property.

At the time of purchase, applicant was fully aware of the existence of the canal. He was satisfied with his purchase, as he has stated that he had seen and visited the land.

In the deed of Dharamdeo Beefnah dated 8th September 1992, it is stated that Beefnah accepts the plot of land as it is, having seen, visited and is satisfied 'ensemble tout ce qui peut en dépendre ou en faite partie sans aucune exception, ni réserve et sans plus ample désignation.'

Massillia Limited has gone bankrupt

#### Reference 1200 - 0.01% Coverage

property is not clearly defined.

The Commission is of opinion that in view of its location, the canal can still be diverted to follow the property of Massillia Property, or the applicant can construct a slab over the canal to get access to the small bit of triangular plot of land. And, as a last resort, Dharamdeo Beefnah has been advised to seek redress from competent authorities in the event that the case were to be administered by Rivérains and Syndics.

\*\*\*\*\* Truth and Justice Commission 287

#### Reference 1201 - 0.01% Coverage

Truth and Justice Commission 287

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: PREMDUTH TJC/  
L//M/0220/ RAMCURUN PREMDUTH

Premduth Ramcurrn, the applicant is a “métayer” and has 6 Acres 4 perches of land under “métayage” at Sainte-Marie, Montagne Chapeau with Bel Ombre Sugar Estate, for the period 1959-

2010. Initially the father of the applicant worked on that land and, in 1992 transferred to on the applicant’s name. Premduth Ramcurrn says that he is not satisfied by the way Bel Ombre Sugar estate is reacting towards him. He claims that Bel Ombre wants the said plot of land back.

The applicant enumerated several hardships

#### Reference 1202 - 0.01% Coverage

hearing day at the Commission.

He requests the Commission to establish the real ownership of the land and he wants to become owner of the plot of land or receive reasonable financial compensation or a plot of land of similar surface area.

The case of Premduth Ramcurrn

#### Reference 1203 - 0.01% Coverage

L/M/0221 GOBERDHUN SATOORAM

The applicant, Satooram Goberdhun, is a “métayer” and has 4 Acres 5 perches of land under métayage at Bel Ombre with Bel Ombre Sugar Estate, for the period 1968-2010. The father of the applicant initially worked on that land and,

in 1995, transferred it to

#### Reference 1204 - 0.01% Coverage

it to the applicant’s name.

Goberdhun is not satisfied the way Bel Ombre Sugar Estate is reacting toward him. Also he claims that Bel Ombre want back the said plot of land. He agrees to return back the land but does not agree with the compensation Bel Ombre is giving.

The case of the “métayer

#### Reference 1205 - 0.01% Coverage

L/0222 LOUISE ATISH KUMAR

The applicant, Atish Kumar Louise, avers that his legitimate father had constructed a house at Route Vingta No. 1, Vacoas on a portion of land of 167.2 m2.

According to an Affidavit of

Reference 1206 - 0.01% Coverage

Truth and Justice Commission 288

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Pandarun and (b) her two

Reference 1207 - 0.01% Coverage

and (2) Amrish Kumar Louise

The applicant says that his father had started the procedure of a prescription and was bedridden after some time. The applicant went to the Registrar to make searches to know if the land had indeed been prescribed, but did not find anything.

The applicant requests the Commission

Reference 1208 - 0.01% Coverage

L/0223 PERMAL MAURICE ROLAND

The applicant, Roland Maurice Permal, mentions he is heir to a plot of land of 312 Arpents located at Providence, Quartier Militaire, to which his mother-in-law, Marie-Thérèse David, is the sole heiress. The applicant declares that the land was bought initially in 1862 by Emmanuel Lanappe, the grandfather of Marie-Thérèse David. However, according to the applicant, in 1864, Emmanuel Lanappe was prohibited from accessing the land through a legal 'gain de cause' won by Mon Désert Alma Sugar Estate.

The applicant cited the existence

Reference 1209 - 0.01% Coverage

heiress, to the 312 Arpents.

The applicant also pointed out that there is a river on that plot of land, 'La Rivière Française' and also that one, 'Jean-Claude', has once brought Marie-Thérèse David and her son to the plot of land, and mentioned the names of persons occupying several parts of the plot of land.

Since 2005, the applicant and a few relatives started procedures through an Attorney and a Land surveyor in view of recovering the land. However, due to uncertainty and high costs, the applicant and relatives did not take the procedures further.

The applicant declares that at present, there are sugar cane plantations, a poultry farm operated by "Innodis Ltd." and houses built on the plot of land.

His requests to the Commission

Reference 1210 - 0.01% Coverage

requests to the Commission are: •

- to do a land surveying; and to recover back the land. His request is supported by the following Documents:
- The TV 74 No.241 dated 21st March 1862 being the purchase of the plot of land of extent of 312 Arpents at Quartier Militaire (Moka) by Mootien Arnassalon and Edouard Louis Maximilien Hallot in individual rights.
- A document confirming that the said land had been divided and given to the three children, namely Ferdinand David, Angela David and Louise David
- Another document has been submitted

#### Reference 1211 - 0.01% Coverage

Truth and Justice Commission 289

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

A Court case was entered

#### Reference 1212 - 0.01% Coverage

his forefather had: a)

b)

A plot of land at Pamplémousses A plot of land at Curepipe.

Both plots, according to him, are still in the name of the Lapeyre family but he could not sustain his claims by producing either a document or a family tree. He requests the Commission to get back the land of his forefathers.

To summarise, the claims are

#### Reference 1213 - 0.01% Coverage

the claims are as follows:

Case 1 His forefathers had a plot of land at Pamplémousses which, he avers, is still in the name of the Lapeyre family and is now under sugar plantation. He does not know who is the owner of the sugar plantation.

Case 2 His forefathers also had a land at Curepipe which is still in the name of the family, and is actually occupied by some individuals. These individuals have constructed two houses on that plot of land. He claims that the land is occupied by a CID officer and a Barrister.

The Commission looked at his

#### Reference 1214 - 0.01% Coverage

searches have revealed the following:

According to TV 116 No. 248, dated 22nd February 1875, Louis Lapeyre had acquired from one F.A Delorme Ignard two plots of land in Pamplémousses District: the first one of the extent of 2 Arpents 68 at Roche Bois and the other one of extent 26 Arpents 8 p at Terre Rouge for the price of "2300 piastres".

On 23rd October 1911, Louis

#### Reference 1215 - 0.01% Coverage

by TV 389 No. 441.

On 17th September 1883, Louis Lapeyre acquired from Louis Victor de la Faye and, agreed by Alexandre André, a plot of land of extent of 7 Arpents at Pamplémousses for the price of "1375 piastres".

However, in the "Case Hypothécaire

#### Reference 1216 - 0.01% Coverage

no indication about its sale.

It appears that this plot of land is still burdened with that inscription as there is no indication of its erasure. Furthermore, there is no plot of land still in the name of the forefather of Jean Percy Lapeyre. Two portions of land of 2 Arpents 68 p at Roche Bois and 26 Arpents 86 at Terre Rouge have already been sold on 23rd October 1911, as per TV 389 No. 411.

Truth and Justice Commission 290

#### Reference 1217 - 0.01% Coverage

Truth and Justice Commission 290

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There is no entry made in the Register of the Conservator of Mortgages concerning the land at Curepipe, allegedly occupied by a CID Officer and a Barrister, whose names have not been given by applicant.

\*\*\*\*\* CASE NAME: LATIRE TJC/ L

#### Reference 1218 - 0.01% Coverage

L/0226 DODIN MICHELLE DANIELLE

Michelle Danielle Dodin, the applicant, remembers her mother telling that her grandparents the Don Bastien family and the Noble, had plenty of land in the vicinity of Pamplémousses, but as children, they just listened and did not pay much attention as it was like a fairy tale. She requested the Commission to look for the lands in Pamplémousses which one Rughoonath told her that the Don Bastien family owned; and to contact the latter to get further information. She did not submit any document, title deed or any plan.

On 11th October 2010, the

#### Reference 1219 - 0.01% Coverage

not appear in the "Répertoire.

However, the name of Pierre Feline appears at "Répertoire 30 No. 754, where Pierre Feline acquired on 15th November 1849, a plot of land of extent of 410 Arpents being Domaine Fair Fund from S. Baker for the sum of Rs. 7,000. That land is burdened with many charges; the inscriptions of which have not been erased, namely Rs. 58,750 from S. Baker and Rs. 20,000 from Banque d'Epargne.

In view of the above



#### Reference 1220 - 0.01% Coverage

Truth and Justice Commission 291

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CASE NAME: ROMEO The applicant, Marie Arlette Roméo, avers that her

TJC/ L/0227/ROMEO MARIE

#### Reference 1221 - 0.01% Coverage

ARLETTE great-grandfather, Yyempermal, from

Tanjavour, worked for the Ceylan Tea Limited Company during colonial times. While working for the company, he bought a plot of land of 10 Arpents at Beau-Songes for Rs. 7,000. In Document No.1 submitted, it is mentioned that the same plot of land was sold for Rs. 1,200. When applicant's great grandparent passed away, the land was left unoccupied and Médine Sugar Estate Company occupied less than 5 Arpents approximately. The company erected a building on that land. The rest of the land belonging to the applicant is still unoccupied, and she wants to get the plot of land back.

She called at the Office of the Commission on 8th February 2010 and enquired about the land of Yyempermal. The Commission Land surveyor, having taken cognizance of her case, talked to Vince Ramsamy, the Surveyor of Médine Sugar Estate. The latter said that he is prepared to help the lady. A site meeting was organized between Marie Arlette Roméo and Vince Ramsamy and it was agreed that both parties would inform the Commission of the outcome of that meeting. In the meantime, the applicant has asked another Land surveyor, R. Bhurtun, to accompany her on site the very day of the meeting.

Nothing was heard about the

#### Reference 1222 - 0.01% Coverage

the applicant and Vince Ramsamy.

On 29th March 2011, she called at the office and submitted copy of "Répertoire" 253/924, which the Commission had already retrieved from the Conservator of Mortgages' Office. She had a long story to tell before informing the Commission that she has entrusted her work to another Land surveyor, Mr. Kritanand, Seebarith, and would revert back to us once the survey has been completed.

The Commission, having undertaken searches in that case, found that the grandfather of Marie Arlette Roméo l'Indien Yyempermal purchased 2 plots of land of 5 Acres each at Roche-Ville, in the district of Black River having bought them from one Edgar Vaudagne as per TV 159 No. 248, dated 25th January 1884.

There is also on record a Survey Report drawn up by Land surveyor J. J. Moura dated 25th September 1883 for the 2 plots.

It appears that there is

#### Reference 1223 - 0.01% Coverage

erected by Médine Sugar Estates.

Mrs Marie Arlette Romeo should request her Land Surveyor to carry out a survey of both sites under Section 11 of the Land Surveyor Act, and thereafter claim any part which allegedly has been encroached upon.

\*\*\*\*\* CASE NAME: ARLAPIN TJC/ L

#### Reference 1224 - 0.01% Coverage

TJC/ L/228/ARLAPIN BERTY

Berty Arlapin, the applicant, claims that the property of his ancestors at Black River (Tamarin Region) has been taken by one Dr. Jhuboo without permission of any owner of this land. In support of his claim, he has submitted the following:

- •
- Affidavit of succession made after

#### Reference 1225 - 0.01% Coverage

Truth and Justice Commission 292

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Searches undertaken by the Commission have revealed that the names of the Toomany appearing as lessor in the “lease agreement” are not registered as owners of any land at Tamarin. In fact, the names do not appear in the Index Repertory at the Conservator of the Mortgages’ Office.

Furthermore, the lease document submitted

#### Reference 1226 - 0.01% Coverage

a Notarial deed, and the

Memorandum of survey produced by Berty Arlapin is not related to this case as it is a survey carried out by Sworn Land surveyor E. Belcourt at the request of Dr. Jhuboo.

In the light of the

#### Reference 1227 - 0.01% Coverage

TJC/ L/0229 PERRINE CLAUDIA

The applicant, Claudia Perrine 44 years of age, has written that since the age of nine, she lived on CHA land in Rivière Noire. She married and lived on the same land with her children. In 1991, her step-father (who lived with her mother) and she have taken the necessary steps to acquire a plot of land on the same ground. Finally, in 1996, the applicant said she got hold of the lease contract and from then on, she started paying Rs. 150 per year for the lease.

Afterwards she has undertaken necessary measures for a one storey house and in fact she built one on the ground floor. As soon as the construction plan was approved the lease was raised to a sum of Rs. 1,150 in 1999. She continued paying the lease till the day the Government gave permission to buy the CHA land.

She applied at the office where she was asked to bring along a paper to pay the arrears. She paid them and was asked to wait for a letter. She received a letter bearing her step father’s name where they were asked to bring the heirs to be able to buy the land. Once at the office, she was told that it did not concern her plot of land but the land next to hers. In fact, the applicant wrote that it was the same plot of land which was divided into two parts.

She was told to keep on paying till the day the State grants her permission to buy her plot of land. She writes that she wants to know if she will own the plot of land one day, just like those who have already earned a plot of land in the housing estate.

She requests the Commission to shed light on the reason why she cannot buy the land which she is occupying now and why she was being asked to buy the other plot of land

Furthermore, her request has been

#### Reference 1228 - 0.01% Coverage

Housing and Lands (CHA unit).

This is a State land, within a CHA estate, which falls under the responsibility of the Ministry of Housing and Lands. The applicant has been requested to contact that Ministry for a proper land survey and in order to sort out the confusion on the site occupied by her.

CASE NAME: BABYLONE/VALLY TJC

#### Reference 1229 - 0.01% Coverage

VALLY TJC/L/ 0231Emmanuel Babylone

Emmanuel Babylone claims the ownership of two plots of land which he avers belongs to the "ancestors Vally", as mentioned in a Memorandum of survey dated 12th September 1919. He avers that Medine Sugar Estate is occupying the two plots.

In support of his claim

#### Reference 1230 - 0.01% Coverage

Truth and Justice Commission 293

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS After perusal of the documents produced, the Commission has confirmed that on the plan

accompanying the memorandum of survey dated 12th September 1919, two portions of land are indicated as "Terrain Vally ou ayant droits", but no extent is given. The Memorandum of Survey further indicates that the two portions of land are situated in an area of 1,389 Arpents, described as the fourth lot, but "cette étendue ne comprend pas les terres concédées au Gouvernement pour le chemin de fer et les deux terrains Vally ou ayant droits et les terrains de Hattersing a Villaooty ou ayant droits." The plan further indicates that a triangular portion of land referred to as 'terrain Vally' or 'ayant droits' forms part of the land allocated to "les légataires Bretonache", whereas the other portion is located outside the original

limits of the land known as "La Cantine." La

Cantine was at one time

#### Reference 1231 - 0.01% Coverage

80 Arpents each in 1898.

In terms of a deed drawn up by Notary Claude Ernest Alexis Josselin Maingard on 27th June 1860, as evidenced by TV 70 No. 170, Justine Bretonache and Ors sold to Célestine Bretonache, wife of François Vally "all their rights in a portion of land of 5 Arpents, having a triangular shape", situated at "La Petite Rivière

Noire". The deed fully explains that the portion of land is excised from the 80 Arpents allocated to Miss Valazanac, C. Bretonache and others following the division in kind effected by Numa Geoffroy, judicially appointed for that purpose on 26th January 1848. As a result of this acquisition, the wife of François Vally (born Bretonache) became the sole owner of the plot of land.

Among the documents submitted, there is a Survey Report, drawn up by late Maurice Dumazel, dated 30th March 1948, giving the description of a portion of land of an extent of 5 Arpents 36, triangular in shape, which it is said belongs to "Monsieur Ange Balou par occupation". The report bears the Reg. No. LS 23, No.1735.

It also indicates an adjoining

#### Reference 1232 - 0.01% Coverage

one corner "ancien cimetière Vally".

The Commission has also taken note of a notarial deed drawn up by Jean Jacques Montocchio, on 1st October 1989 which witnesses an agreement between Médine Sugar Estate and Ange William Balou, also known as Ange Balou, whereby, against payment of Rs. 300,000, Ange Balou would renounce in favour of the Company whatever rights he may have on the portion of land of an extent of 5 Arpents 36 and also would withdraw the claim for damages he lodged against the Company (statement of claim dated 9th April 1948).

Company "comme seule et incommutable

#### Reference 1233 - 0.01% Coverage

la dite portion de terre".

Based on the documents produced, the Truth and Justice Commission is of the opinion that the owners, by title of the 5 Arpents 00, are the heirs of Celestine Bretonache, wife of François Vally. Neither Ange Balou, nor Médine Sugar Estate has a clear title to the said portion of land.

The deponent has also left

#### Reference 1234 - 0.01% Coverage

Truth and Justice Commission 294

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therein and among others of

#### Reference 1235 - 0.01% Coverage

V. Khermann, 1st February 1932).

This portion of land has been acquired by Médine Sugar Estates in terms of TV 433 No. 416. It is not known on which part of the land the burial ground is located.

The Truth and Justice Commission recommends that those in the rights of the late Clémentine Bretonache, wife of François Vally, should take up the issue of ownership of the two plots of land with Médine Sugar Estate. They should seek legal advice regarding their claim.

burial ground, the Commission is of the opinion that those in the rights of the persons buried on site should pursue the matter with Médine Sugar Estate regarding access to the land.

The plot of 13 Acres, described as being a plot of land, is not the same as the one indicated on the plan drawn up by Hall. The present 13 Acres plot form part of the land allotted to Favre, while the 5 Arpents 00 on Hall's plan forms part of the land allotted to "les légataires Bretonache".

\*\*\*\*\* As regards the Truth and

#### Reference 1236 - 0.01% Coverage

Truth and Justice Commission 295

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER FIVE DISPOSSESSION OF PROPERTY Truth and Justice Commission 297

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS DISPOSSESSION OF PROPERTY INTRODUCTION

From the applications made, documents submitted, and during the hearing of several land cases, it has become apparent that several persons have lost their properties and/or have been dispossessed of their properties due to the false, inaccurate, doubtful, wrongly-drafted misinterpretation of affidavits of succession and Wills and Testaments.

Some affidavits and Wills and

#### Reference 1237 - 0.01% Coverage

FILE NO TJC/L/0142)

José Désiré Roland Clémentine claims to be one of the sixteen heirs of Marie Rosanne de Coriolis who owned many plots of land totalling 7 Arpents at Plaines Wilhems and Coromandel. Myriam Rabouine and, the agent of the Clémentine family, one S. Ragoo, deponed before the Commission.

José Désiré Roland Clémentine avers that the heirs were induced to form a Société known as "Société Beau Séjour". They were later asked to bring their land of 7 Arpents as their share in the société. They were told that they will get 50% of its selling price. It was also averred that the land has already been sold for Rs. 65 million, from information received but only four heirs have received money and the other heirs do not know the exact amount which have been paid.

The representatives of the Clémentine submitted copy of an agreement dated 2nd September 2008 from the Gérant of "Société Beau Séjour" to pay Rs. 200,000 to each heir when the land will be sold.

The factual background is as

#### Reference 1238 - 0.01% Coverage

factual background is as follows:

- The heirs Clémentine claim that they are the heirs of late Fernand Clémentine, who was the heir of Gustave de Coriolis, the owner of a portion of land of 24, 058. 96 sqm. situated at Coromandel.
- Whilst deponing before the Commission, Myriam Clémentine explained that sometime in, around 2007, members of the family met with one Willy Rigobert who informed them that he would do searches with respect to land owned by their ancestors. It is averred by the heirs Clémentine that they paid a large sum

of money to the said Rigobert in consideration of his searches. It is further averred that it was the said Rigobert who introduced the heirs Clémentine to Notary Arveen Ramphul and to one Parvez Maharaullee.

- They were then requested to

#### Reference 1239 - 0.01% Coverage

Truth and Justice Commission 298

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were requested to sign a

#### Reference 1240 - 0.01% Coverage

and one Bibi Nazreen Ismael;

- In consideration of their “parts sociales”, the 16 heirs brought as “apport” the aforesaid plot of land situated at Coromandel, which was estimated at Rs. 5 millions; and
- The said Maharaullee, in consideration

#### Reference 1241 - 0.01% Coverage

was proposed and approved that:

- The civil partnership “Société Beau Séjour” was agreeable to pledge the aforesaid plot of land situated at Coromandel
- in favour of any financial

#### Reference 1242 - 0.01% Coverage

of the above-mentioned deed.

Lillette Fortune, Francis Clémentine, Bibi Nazreen as well as Willy Rigobert were called before the Commission to explain their involvement. Lillette Fortune confirmed that Willy Rigobert was the initiator of the searches and was one of the go-betweens the heirs and Notary Ramphul, whereas Francis Clémentine avers that right from the beginning he was not in favour of any involvement in securing the “héritage” to a “Société”. Willy Rogobert put forward that he is someone “who wants to help people”. He sustained that he needed the payment for searches, land surveying and the help of other researchers in his quest and that his clients needed to be patient even if in certain cases it would take time to retrieve information from the Archives. The Commission has been made aware that Willy Rigobert has a lot of “clients” from whom he has obtained large sums of money.

Bibi Nazreen Ismael put an

#### Reference 1243 - 0.01% Coverage

this case, together with the

Clémentine family. She does not know if she was a “gérant” of the “Société Beau Séjour” and does not know about anything about land matters. She earns her living as a “marchand ambulant”.

The Commission was surprised to

#### Reference 1244 - 0.01% Coverage

Truth and Justice Commission 299

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS After enquiry about the said Parvez Maharaullee, the Commissioner of Police informed the Commission that Parvez Maharaullee was

#### Reference 1245 - 0.01% Coverage

sentence at the BeauBassin prison.

The whole matter was reported to the Land Fraud Squad. FAOULEZ/ MACCA (FILE NO TJC/L180)  
In the case of Faoulez

#### Reference 1246 - 0.01% Coverage

the Macca family. In his

testimony before the Commission, Hugues Faoulez avers that he requested one Maharaullee and the "Société Domaine Le Mapou" to make searches for him as regards a plot of land owned by his ancestors. He denied having ever created any company or "Société" and was not aware of same. He even denied giving instructions to swear any affidavits of succession on his behalf.

The factual background is as follows: On the basis of a false affidavit of succession dated the 6th July 2007 and transcribed in Volume themselves to be the sole heirs of Jean Falouez and therefore, the sole heirs to his plots of land.

6658 No. 64, Hugues Faoulez

#### Reference 1247 - 0.01% Coverage

Société Civile Domaine Le Mapou".

In consideration of their "parts sociales", the Faoulez brought as "apport" three portions of land namely 120 Arpents in Mapou, 9 Arpents 14 p in Poudre d'Or and 157 Arpents in Mapou.

The three portions of land were evaluated at Rs. 15 millions.

On the 25th July 2007, by deed drawn by Notary Ramphul, the said Faoulez, together with Parvez Maharaullee, formed the civil partnership "Blue Coast". As "apport", the Faoulez brought a portion of land of 75 Arpents situated at Mapou evaluated at Rs. 6 millions.

On the 12th October 2007

#### Reference 1248 - 0.01% Coverage

sum of Rs. 20 millions.

As regards legal documents in the case of Faoulez/Macca where several portions of land of the total extent of 370 Arpents and 46 perches are involved, three affidavits have been produced.

The first one has been

#### Reference 1249 - 0.01% Coverage

Truth and Justice Commission 300

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The third affidavit has been

#### Reference 1250 - 0.01% Coverage

the Supreme Court.

In the

Plaint with Summons it is stated inter alia that (a) Jean Faoulez has passed away on 11th December 1825, (b) Jean Faoulez had made a holographic Will dated 12th October 1821 in which it is stated that he had no heir and had appointed Jean Caillaud as his Universal legatee (c) Hughes Faoulez and May Victoria Faoulez have along with other persons formed a "Société" known as "Domaine Le Mapou" and have brought into the "Société" the "apports" about 14 Arpents of land situate at Melville, Grand-Gaube.

At a certain point in

#### Reference 1251 - 0.01% Coverage

to the Police for enquiry.

The Land Team, under the supervision of the Commissioner, Mr. Jacques David and members of the Land Fraud Squad, which secured the help of Mozambique, looked into the matter closely.

Interpol (France) and the French

#### Reference 1252 - 0.01% Coverage

Truth and Justice Commission 301

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Jean Arlanda, also called Faoulez, contracted a civil marriage with Eudoxie Arsene Domolard.

Five children were born from

#### Reference 1253 - 0.01% Coverage

of the Slave Data 1826.

Being given that Jean Faoulez left 5 children as heirs, the Macca family has absolutely no share or right of succession of Jean Faoulez. The different sales of the said portion of land have given rise to several cases which have been lodged before the Supreme Court of Mauritius. The particulars of the cases are as follows:

- SCR 103347 (1/643/09)

#### Reference 1254 - 0.01% Coverage



VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The Commission wishes to place on record the help and collaboration of the Land Fraud Squad in the present case and show its appreciation of the work undertaken, particularly by K. Yogita Poorunsing (WPC 153) and Jean Joyce Roussety (PS 4299).

CAPIRON (File No TJC/L

Reference 1255 - 0.01% Coverage

File No TJC/L/O31)

Henri Vignes sold to Léonel Capiron and his wife two plots of land situated at Mozambique Street and Entre-casteaux Street Port Louis. Léonel in his will left all his assets to his wife Anna Beatrice Rebecca Vignes. Anna Rebecca Vignes made a will in favour of the wife of Ange Eloi Capiron (born Vignes). She made a will in September 1953 in favour of Louise Vignes. Louise Vignes sold the land in 1929 according to deed of sale dated 22nd March 1929. The applicant is questioning the date of sale of the land (1929), which according to the date of the will made in favour of Louise Vignes, that is 1953, should normally be her property in 1953.

The applicant requests the Commission

Reference 1256 - 0.01% Coverage

signed on 22nd March 1929.

The whole technical land team and, in the presence of a Commissioner Jacques David, had a working session with the applicant

in the presence of his

Reference 1257 - 0.01% Coverage

presence of his December 2010.

From further information from applicant it appears that: • The land of 400 Toises situated at Beau-Bassin belonged to the late Anna Rebecca Vignes and bequeathed to Marie Lucie Lise Vignes, the wife of Ange Eloi Capiron.

• The land of 94 Toises situated at Beau-Bassin belonged to the late Marie Lucie Lise Vignes, the widow of Ange Eloi Capiron.

• Marie Lucie Lise Vignes had

Reference 1258 - 0.01% Coverage

registered on 29th October 1969.

• Consequently, Marie Lucie Lise became the owner of the two plots of land of 400 toises and 94 Toises.

• One Marie Thérèse Isabelle Capiron

#### Reference 1259 - 0.01% Coverage

to this very important question.

The Commission verified the files which reveal that indeed: • Marie Joséphine Capiron sold the land of 400 toises to one Dr. Hurhangee and Lajputh Beeharry, as evidenced by TV 180/4188. Marie Joséphine Capiron passed away in 2000.

• The land of 94 toises has also been sold by the heirs. • Marie Thérèse Isabelle Capiron also passed away in 1995.

• There are two groups of

#### Reference 1260 - 0.01% Coverage

Truth and Justice Commission 303

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE SPEVILLE/CHOOOLUN CASE

The Spéville case, although a

#### Reference 1261 - 0.01% Coverage

that his family has been

owner of a plot of land of extent of 490 Arpents situated in the District of Black River, place called "Côteau Raffin" as well as

dispossessed of their rights on the said portion of land as nowadays the "Société du Petit Morne" is occupying the land.

The applicant avers that Sieur Doger de Spéville, the great grand parent of the applicant lived in Black River in a house ("Campement d'habitation") that he constructed on Ile-aux-Bénitiers and died on that property and his tomb is the proof that he owned the land. The said Sieur Doger de Spéville had also a "habitation à Pamplémousses" where his son, Pierre Spéville, lived. Pierre Spéville's mother was a slave at the service and belonging to the family. They all Spéville family "habitation", in Pamplémousses.

lived on the

Pierre Spéville

#### Reference 1262 - 0.01% Coverage

at the age of 71.

Raymond Spéville, the applicant, who deponed before the Commission on Wednesday 13th October 2010 claims that Pierre Spéville was also the owner of several plots of land in Savanne and Rivière Noire, as evidenced by the "Case hypothécaire" and that the said land has never been sold as some of the property was leased for the cultivation of coconuts and vegetables.

The great aunt Hermina, who died at the age of 100 years and 8 months on 15th November 1967, who made several trips on that land in the Black River District, told the family how the greatgrandfather used to bring all the children in "locally-made carts" to the island which, at that time, was accessible at low tide.

At the death of the said Mylis, who was illiterate, the family seemed to have been dispossessed by the family to whom the land was leased as it was difficult for the Spéville family to visit frequently the property as they were still living in Pamplémousses.

The Commission looked closely into

Reference 1263 - 0.01% Coverage

Truth and Justice Commission 304

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Fut présent :- Mons. Mathieu Wohrmitz, négociant demeurant au Port- Louis.

Lequel a par ces présents

Reference 1264 - 0.01% Coverage

Truth and Justice Commission 305

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

ses héritiers et ayant cause

Reference 1265 - 0.01% Coverage

Truth and Justice Commission 306

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Copy of the tampered document at the Conservator of Mortgages' Office TAMPERED DOCUMENT

The Spéville case could have

Reference 1266 - 0.01% Coverage

open the doors to fraud.

One Marie Yolande Andrea César, whose name was mentioned during the searches as being another claimant of the plot of land at Côteau Raffin, was called before the Commission on the 14th April 2011 to explain in what circumstances, she had on 21st July 1972 conferred the Power of Attorney to one Emunchul Misseer Madhoo, drawn up by late Notary Public Serge Gopee, duly registered in Reg. A383 No. 1229, to take hold of the 490 A. The deponent averred that she is one of the heirs of Pierre Spéville and had in good faith appointed the said Madhoo as her agent and proxy. While deponing before the Commission, Marie Andrea César underlined the fact that she was aware that her family possessed a plot of land but did not know the exact situation of the said land. In these circumstances, she retained the services of Counsel Madhoo as regards the land. She further averred that she never had any response from Madhoo and affirmed never having sold the land nor having agreed to any sale.

But, by virtue of a

Reference 1267 - 0.01% Coverage

bordereau" has been used a

document witnessing a sale. The sale was in respect of part of the plot of land of 490 Arpents, signed by Harrryparsad Choolun, acting in the name of Marie Yolande Andrea César, in dealing with one Zwalaparsad Choolun.

On the 23rd May 1977, the said Zwalaparsad Choolun sold the said plot of land to her sister, Sonee Choolun, as duly transcribed in Volume 1378 No. 5.

In 1977, Sonee Choolun applied for a development permit to the District Council of Black River as regards the plot of land. In spite of the decision of the Works and Planning Committee of the

Truth and Justice Commission 307

#### Reference 1268 - 0.01% Coverage

Truth and Justice Commission 307

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

District Council, Sonee Choolun received

#### Reference 1269 - 0.01% Coverage

District Council, her development permit.

In 2009, Sonee Choolun stood as surety for a loan of Rs. 50 million at the Development Bank of Mauritius for the development of Qay Call Centre and Outsources Services Limited, set up by one N. M. Fokeerbux, Director, thus pledging the said portion of land.

The factual background is as

#### Reference 1270 - 0.01% Coverage

factual background is as follows:

- By a hand-written deed under private signatures drawn up at Quatre-Bornes and dated 29th December 1976, late Harryparsad Choolun, allegedly acting as agent and proxy of Marie Yolande Andrea César in virtue of a power of Attorney, allegedly granted by the same Marie Yolande Andrea César to one Emmanuel Misseer Madhoo and in whose powers the said Harryparsad Choolun was allegedly substituted "s'engage et oblige la dite mandante, that is Marie yolande Andrea César, à vendre sous les garanties ordinaires et de droits" to Zwalaparsad Choolun and which was accepted by the latter a portion of land of an extent of 'cent quatre-vingt dix Arpents environ' situated in the District of Black River, called Côteau Raffin".

- It was one of the

#### Reference 1271 - 0.01% Coverage

in Volume 1362 No. 11.

- By a third deed under private signature dated 23rd May 1977, made in triplicate at QuatreBornes and transcribed in Volume 1378 No. 5, Zwalaparsad Choolun allegedly sold to Sonee Choolun a portion of land of about 490 Arpents situated in the District of Black River, a place called La Gaulette, Côteau Raffin.

It has been stated in

#### Reference 1272 - 0.01% Coverage

in the said deed that

Zwalaparsad Choolun is the owner of the said portion of land by virtue of deeds transcribed in Volume 1353 No. 14 and Volume 1362 No. 11.

The alleged sale mentioned above

#### Reference 1273 - 0.01% Coverage

Truth and Justice Commission 308

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS On the 11th July 1978, Sonee Choolun and the heirs of Zwalaparsad Choolun appeared before Notary

Public Marcel Cooty and deposited

#### Reference 1274 - 0.01% Coverage

in Volume 1417 No. 17.

Furthermore, Sonee Choolun has by a deed registered in Reg. A 507 No. 6177, given a power of Attorney to one Swee Pin Sing Fat, of Vacoas Road, Vacoas, empowering him to sell and/ or dispose of the said portion of land of 490 Arpents.

By another deed under private signatures, dated 29th April 1980, a sale is made on a portion of land of 300 Arpents from the said portion of land of 490 Arpents to one Mohamed Khateeb Hosany. Following a "dépôt", the said deed has been transcribed in Volume 4684 No. 44.

Finally, Le Petit Morne Limitée claims to have purchased the land in lite from the Société du Morne Brabant on 17th March 1986 as per deed drawn by Notary Marie Joseph Pierre Doger de Spéville in virtue of the deed transcribed in Volume 1702 No. 82.

While deponing before the Commission, Marie Andrea Yolande César, (See Appendix ii) as far as she recollects, said that she has never given a Power of Attorney to Harryparsad Choolun to sell or dispose of the land referred to above, nor has she, in any way whatsoever, authorised him to dispose of the said property, or of any part of it.

The Development Permit obtained from

#### Reference 1275 - 0.01% Coverage

Truth and Justice Commission 309

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- The entry of 1977 is

#### Reference 1276 - 0.01% Coverage

corresponding entry mentions 490 A.

Furthermore, the Commission is of the opinion that the land sold should first have been registered under the name of the

#### Reference 1277 - 0.01% Coverage

of Mauritius (DBM), Messrs Geerjanand

Prithvinath, Manager and his Assistant, P. Teeromalay, (See Appendix ii) who deponed before the Commission on the 14th April 2011, gave evidence that there was an application with respect to the loan of Rs. 50 million where the portion of land was given as surety. The representatives explained that the DBM found that there were irregular circumstances surrounding the said plot of land and therefore did not proceed with the loan. When questioned about the irregular circumstances, both Directors of the DBM stated that after queries about the site plan and title deed, the Board were not quite satisfied that the real owner of the land, as the "Société Le Petit Morne" had also a claim on the said portion of land.

Land Surveyor Georges Ng Tong Ng Wah, (See Appendix ii) who supposedly surveyed the land at the request of the Choolun family categorically denied on Wednesday 20th April 2011, having performed the work. When asked to explain how his name and stamp were found on the site plan submitted to the DBM, Ng Tong Ng Wah replied that he does not even know the site and had never been to Côteau Raffin. He was unable to ascertain how the stamp had been used. He avers that the site plan does not bear his signature.

While deponing before the Commission

#### Reference 1278 - 0.01% Coverage

Koo Yuk Cheong, (See Appendix

ii) Deputy Registrar General of the Conservator of Mortgages Office, confirmed that indeed the "Case hypothécaire" related to the plot of land of 490 Arpents belonging to Pierre Spéville, has been tampered with and that the land has, allegedly been sold to the Choolun for the sum of Rs. 100,000. And that the said entry in the "Case hypothécaire" related to this sale is false.

On the other hand, called to explain how a Development Permit could have been given for development on the said plot of land of Pierre Spéville, Mrs. Marie Aimée Bhujohory, Acting Chief Executive and Y. Hosenally, Chief Planner of the Black River District Council, (See Appendix ii) explained in details how and in what circumstances a Development Permit is given to somebody. When confronted with a copy of the Development Permit to the Choolun, both showed their astonishment and shock that such a thing could have happened being given in the present case, the whole Council, after perusal of the Choolun dossier and after having obtained the legal advice, twice rejected the request for the permit.

Vijayal Sunasseer, the then Head

#### Reference 1279 - 0.01% Coverage

Truth and Justice Commission 310

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before the Commission underlined that

#### Reference 1280 - 0.01% Coverage

not. THE GUIBIES/ PAILLES CASE

The Commission has come across a typical case of dispossession by prescription of several plots of land which surrounded a very large portion of land. The Commission is duty bound to refer to that particular case.

The prescription was done just

#### Reference 1281 - 0.01% Coverage

on the 22nd December 1958.

On the 22nd February 1957, one Montocchio gave instructions to two witnesses, Pargoo Manaram and Ram Lufor to affirm an affidavit certifying that Montocchio had for more than 10 years up to 14th December 1944 occupied peacefully, publicly, continuously, uninterruptedly, unequivocally, animo domini "à titre de propriétaire" four portions of land namely: (i) 633 Arpents; (2) one Arpent 25 perches forming part of 50 Arpents already parcelled out; (3) two Arpents, forming part of 50 Arpents already parceled out; and (4) 19 Perches forming part of 50 Arpents already parcelled out situated in the District of Moka place called "Les Guibies".

The Guibies/Pailles area

The

#### Reference 1282 - 0.01% Coverage

Guibies".

The Guibies/Pailles area

The descriptions of the four portions of land are not supported by any Survey Report drawn up by a Sworn Land Surveyor.

The Commission wonders how the

#### Reference 1283 - 0.01% Coverage

Truth and Justice Commission 311

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In the last paragraph of

#### Reference 1284 - 0.01% Coverage

Notary Public, it is stated

"that it is to our perfect knowledge that the said company "L'Anse Limited" has since the 14th December 1944 up to now occupied peacefully, publicly, continuously, uninterruptedly, unequivocally, animo domini "à titre de propriétaire" the four above portions of land.

The Affidavit was registered on

#### Reference 1285 - 0.01% Coverage

in TV 710 No. 175.

An in-depth study of the above land prescription has revealed that, in fact and truth: • No survey plan signed by a Land Surveyor was submitted with the said land prescription. It appears that Mr. Montocchio could also have 'prescribed':

- State-owned land 'Mon Boudoir' amounting to some 280A59P (Please refer to TV 257 No. 77 at the Registrar & Mortgage Office

- State-owned land 'Legrand' amounting to some 15A46P (TV 261 No. 76).
- Numerous Private-owned portions of land belonging to various small and medium landowners amounting to some 340A39P or much more.
- Company 'L'Anse Limited', incorporated following a deed drawn up by Me. Edouard de Keating, Public Notary, on 12th December 1944 and represented by René Mérandon du Plessis, purchased from the said Montocchio the four portions of land amounting to some 636A44P for the sum of Rs. 60,000 on 17th April 1957.

It is explicitly mentioned in

#### Reference 1286 - 0.01% Coverage

dont propriétaire à divers titres.»

There have been several sales and exchanges of the said four portions of land from 1958 up to 2003.

In the light of the above-mentioned events, the Commission believes that Montocchio may have prescribed State lands "Mon Boudoir" and "Le Grand", as well as those belonging to several small and medium land owners.

The different companies are still

#### Reference 1287 - 0.01% Coverage

by Montocchio in February 1957.

The Commission without hesitation referred the matter for further investigation to the Ministry of Housing and Lands, as it believes State land may have been included in the prescription.

la Compagnie L'Anse Limited est

#### Reference 1288 - 0.01% Coverage

Truth and Justice Commission 312

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS VICTIMS OF THEIR GOOD FAITH

The Commission wishes to highlight two cases where people, through both good faith and illiteracy, lost their land, wealth, security and hope in everything they have been brought to believe in.

Other cases have been analysed by the Commission where "crooks", be it "supposedly land searchers", Notaries, Barrister-at-law, Bank and Insurance officials, "facilitators" roaming in the vicinity of the Registrar of Companies' Building or at the Conservator of Mortgages Office, easy and complacent "witnesses" being paid some Rs. 50/100, acting as predators over their victims, leave no stone unturned to lay their hooks into poor and illiterate people.

The system, being too lenient

#### Reference 1289 - 0.01% Coverage

born Dasani)

THE GERTRUDE CASE



Marie Fleurance Gertrude, the deponent, says on 21st September 2010 before the Commission that she is the owner of a plot of land of extent of 13 perches 20/100 situate at Bel Air Rivière Sèche by virtue of title deed Volume 1420, No. 26.

In 2002, both Marie Fleurance Gertrude and one Naidoo, a member of the 7th Day Adventist Church, reached an agreement to the effect that she donated half of her land to the Church and in consideration thereof, the Church would build a concrete house for her.

The deponent was brought to the District Council for the relevant permits and, subsequently, the land was surveyed and, in the division, the Church got 7 perches and the remaining portion to the deponent.

As a result of the

#### Reference 1290 - 0.01% Coverage

she came to the Commission.

Further, Gertrude had, at her own costs, to clean the land upon the request of the District Council. She avers that the cleaning amounted to a cost of Rs. 25,000/-. She did send a letter to the Church but never received any answer.

It was the request of the deponent that either she be given her papers and the proposed house or that she be handed back her plot of land.

The Commission decided that, should

#### Reference 1291 - 0.01% Coverage

Truth and Justice Commission 313

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"Pasteur" Lutchman was formally asked

#### Reference 1292 - 0.01% Coverage

himself to the Commission and,

surprisingly, he was in possession of the land contract as well as the development permits. He promised before

#### Reference 1293 - 0.01% Coverage

how to read nor write.

The land was seized and sold by levy. SICOM Ltd. bought the land and the house at the bar. While deponing before the Commission in

#### Reference 1294 - 0.01% Coverage

in TV 1623 No. 103.

- As surety, the deponent pledged a portion of land of 50 perches situated at "Providence" which belonged to her.

- The deponent claims that she

#### Reference 1295 - 0.01% Coverage

Truth and Justice Commission 314

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

In the loan document, it

#### Reference 1296 - 0.01% Coverage

actions did the deponent take?

In 1995, the deponent was informed that her land would be seized in case of non-payment

What actions did she take

#### Reference 1297 - 0.01% Coverage

taken to stop the seizure?

In 1997, the portion of land was sold by adjudication.

What actions were taken between

#### Reference 1298 - 0.01% Coverage

against SICOM or the Beegun?

From searches undertaken by the Commission, the loan was taken to enable Deoduth Mooklall Beegun to build a concrete building on a portion of land.

In September 1995, the deponent

#### Reference 1299 - 0.01% Coverage

property pledged would be seized;

On the 30th January 1997, the land was sold before the Supreme Court by adjudication and it was SICOM which purchased the land for Rs. 200,000/-;

The loan was given for

#### Reference 1300 - 0.01% Coverage

Truth and Justice Commission 315

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS RECOMMENDATIONS THE COMMISSION FINDS

- The Commission has observed that

#### Reference 1301 - 0.01% Coverage

times, the persons who have

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- The registration concerning "Testament olographe

#### Reference 1302 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER SIX PRESCRIPTION

ACQUISITIVE PRESCRIPTION: A LEGAL PERSPECTIVE

#### Reference 1303 - 0.01% Coverage

behind the concept of prescription.

However, the Commission wishes to point out that the foregoing should not be considered as a reference for prescription of land.

1. Prescription is one of

#### Reference 1304 - 0.01% Coverage

a definite period of time.

2. Although, as found in numerous cases before the Commission, prescription may lead to unfairness, when an owner is being deprived of his property, the rationale behind the law of prescription is to punish the owner who has failed to exercise any control or entretien over his property for such a long period. This lack of control or supervision does not entail occupying the land, but also to monitor that no third party is in occupation of the land. It is this lack of diligence or "négligence grave" that is sanctioned by our Law.

3. It must be borne in mind that prescription entails some advantages which cater for the true cases of unfairness. In fact, in most cases, prescription serves to strengthen a claim to ownership without depriving anyone. For example, in Mauritius and Rodrigues, many people are owners of plots of land but for one reason or another, these people do not have any documents, such as title deeds, witnessing same. By way of prescription, these people, although rightful owners from the very start, shall be in a position to prove their claim of ownership. "La prescription alors ne change rien à la réalité juridique; elle ne fait que protéger l'ayant droit régulier en remédiant au défaut de preuve."

RELEVANT LEGISLATIONS

4. Civil Code

#### Reference 1305 - 0.01% Coverage

à titre lucratif ou onéreux.»

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VOLUME 2: EVOLUTION IN THE

#### Reference 1306 - 0.01% Coverage

Article 2229 CCM are cumulative.

7. Possession continue et non interrompue: the person should be in possession of the land in a continuous manner for the full period required for prescription. It is to be noted that by virtue of 2235 CCM, for the purpose of computation the time delay, subsequent owners may add to the time prescribed by the precedent owner. For example, an heir who has continued to occupy a portion of land was entitled to rely on his father's acquisitive prescription and his own subsequent occupation.<sup>3</sup> The same principle applies for sales. It has been held that "where a portion of land has been sold to different parties who occupied it, in turns, as owners, the periods of occupation can be added to make up the time required for acquisitive prescription to have effect."<sup>4</sup>

8. Paisible: "this condition entails

#### Reference 1307 - 0.01% Coverage

else uses the plot of

land as the rightful owner and interferes with the possession, the occupation cannot be termed as "paisible".

9. Publique: "this entails that the possession of the occupier should bear exterior signs of ownership. The occupier should act in an ostensible manner in so doing as owner of the land. For example, the occupier should erect buildings or cultivating crops or setting up of walls."

10. Non équivoque et à

#### Reference 1308 - 0.01% Coverage

valeur par elle-même [...]"<sup>5</sup>

11. It is worth noting that good faith is not required to prescribe under Article 2229 CCM and: further, is not an element of possession itself. As such, a person can prescribe a land, although he knows he is not the owner of the land and even if he knows the identity of the real owner, save that he abide by the conditions laid down above.

PROHIBITION OF PRESCRIPTION

12. It

#### Reference 1309 - 0.01% Coverage

down above.

PROHIBITION OF PRESCRIPTION

12. It is provided by Law that certain land or immoveable property cannot be subject to prescription. The first exception is State Land<sup>6</sup>, formerly known as Crown Land. This principle has been reaffirmed in various cases before the Supreme Court.<sup>7</sup> Please note that originally

the Law applicable before 1991

#### Reference 1310 - 0.01% Coverage

was the Crown Lands (Exclusion

1 The Code Napoléon (Amendment) Act 37 of 1978. 2 The Code Napoléon (Amendment No. 3) Act 9 of 1983. 3 Vide Dadoo v. Jeetdeal 2006 SCJ 3. 4 Solange v Aubeeluck 1955 MR 43. 5 Encyclopédie Dalloz, Droit Civil Vo. Possession at note 17. 6 Section 35 of the State Land Act (1991): "Notwithstanding article 2227 of the Code Napoleon or any other enactment, State Land is imprescriptible".

7 La Société des Cascadeurs

#### Reference 1311 - 0.01% Coverage

any right over State property."

Truth and Justice Commission 321 LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS from VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS Prescription) Ordinance 1945. Therefore, prior

#### Reference 1312 - 0.01% Coverage

amongst others, sea, air, etc

14. Another prohibition to prescription is laid down in art 2236 CCM8. The operative word in this Section is "précarité". This word means that the occupier has been put in possession by virtue of the consent of the real owner. As such, the notion of possession required for prescription is vitiated and cannot be the basis of a prescription. The occupier is only holding the property on behalf of the actual owner. The most current examples are land leased or given by agreement. It has been held by the Court that "la précarité n'est pas un simple vice de possession, c'est quelque chose de bien plus grave, c'est l'absence de possession: la possession précaire n'est qu'une simple détention de la chose, c'est-à-dire une situation juridique parfaitement distincte de la possession.»<sup>9</sup> Further, by virtue of art 2237 CCM<sup>10</sup>, the subsequent heirs of a «détenteur précaire» cannot prescribe as their occupation is considered defective from the very start. The same principle applies even after the end of the lease period. It was considered that "Les fermiers et locataires ne peuvent prescrire la chose donnée à bail ou à loyer, soit pendant la durée du bail, soit après son expiration. Il en est ainsi même si le bailleur n'est pas propriétaire de la chose : en ce cas, la possession du fermier ou du locataire profite au bailleur. Si le défunt n'était que détenteur, son héritier aura la même qualité. Ainsi les héritiers de celui qui a possédé pour autrui ne peuvent prescrire, si la possession primitive était viciée, l'héritier succède aux vices de la possession de leur auteur. »<sup>11</sup>

15. It must be noted that even though the heirs cannot prescribe, if the land in issue is sold to a third party, the buyer can start to prescribe as from the date of sale.<sup>12</sup>

16. However, the Civil Code

#### Reference 1313 - 0.01% Coverage

la question de propriété. »<sup>14</sup>

17. The next exception is the issue of communisme that is where a plot of land is owned jointly by several persons. This may be the case where several heirs inherit a plot of land or when there is indivision in ownership. The rule is that a co-owner cannot prescribe against the other co-owners.<sup>15</sup> The same exception, as provided in paragraph 16 above, applies. It has been held that "il faut, de la part de celui qui prétend acquérir à titre privatif, des actes

8 Art 2236 CCM: "Ceux

#### Reference 1314 - 0.01% Coverage

détiennent précairement la chose du

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extérieurs et contradictoires, agressifs et

#### Reference 1315 - 0.01% Coverage

de prescrire, forment l'interruption civile.»

21. For the purpose of Art. 2243 CCM, what is required is that the occupier is deprived from the possession of the land for a minimum period of 1 year be it by the rightful owner or a third party.<sup>18</sup> This principle is also explained as : "la prescription acquisitive, reposant à la fois sur la possession prolongée d'une chose par celui qui prescrit et sur l'inaction de celui contre qui la prescription court, cette prescription cesse de courir, soit que le possesseur cesse de posséder, soit que le propriétaire de la chose sorte de son inaction et réclame la restitution de sa chose ou obtienne une reconnaissance volontaire de ses droits »<sup>19</sup>

22. Another limb to Article 2243 CCM is when the occupier abandons by his own will the possession of the land. There is no requirement of 1 year, as provided above, but the material part is that the occupier chooses not to act as owner; therefore there is no animus domini.<sup>20</sup> However, mere non-usage does not constitute abandonment.

23. Another means to stop

#### Reference 1316 - 0.01% Coverage

Truth and Justice Commission 323

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24. It is noted, however

#### Reference 1317 - 0.01% Coverage

rejected by the Court.<sup>22</sup>

25. Any interruption for the reasons given above result in nullifying the delay which has already lapsed. It has a retrospective effect and creates the legal situation that the occupier has not occupied the land for the purpose of prescription. However, nothing prevents the occupier from starting anew the prescription, provided the conditions laid down in Article 2229 CCM are met.

SUSPENSION OF THE DELAY OF

#### Reference 1318 - 0.01% Coverage

prescription a été suspendue. »<sup>26</sup>

29. There remains the situation where someone is not aware of his rights over a plot of land. There has been a lot of debate on this issue in the French jurisprudence but it seems that the latest decisions go to the severe approach inasmuch as it has been decided that "mais certains plus récemment ont exigé l'erreur

invincible ou même posée en principe que l'ignorance de l'existence d'un droit ne constitue pas une impossibilité absolue d'agir équivalent à la force majeure.”<sup>27</sup> This argument has never been tested before the Mauritian courts and it would be interesting to have a judgment on this issue.

#### CONSEQUENCES OF PRESCRIPTION

30. If

#### Reference 1319 - 0.01% Coverage

the ownership by way of prescription. This does not only serve as a defence against claims of ownership by other parties, the prescription gives him all the rights accrued to a owner including the right to sell the land.

22 Vide Art. 2247 CCM

#### Reference 1320 - 0.01% Coverage

Truth and Justice Commission 324

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32. To be able to

#### Reference 1321 - 0.01% Coverage

an action is 30 years.

34. In a case before the court, the owner by prescription will have to adduce evidence to prove that he has occupied the land with all the requisites of prescription for 30 years. The opposing party will have to adduce evidence to the contrary and the Judge shall decide upon the merits of the case on a balance of probabilities.

35. Since the “title” can be challenged within 30 years, any sale of the land should bear the mention that the buyer has been informed that the land bought has been obtained by prescription and hence can be challenged.

36. Since prescription is concerned

#### Reference 1322 - 0.01% Coverage

prescription needs to be transcribed.

The whole procedure of prescription rests upon the swearing of an affidavit of prescription. Basically, an affidavit of prescription is a legal document sworn by two witnesses who affirm that the applicant has occupied a portion of land with all the requisites of acquisitive prescription. In the spirit of the law, the swearing of a false affidavit is a criminal offence and as such, an affidavit is a document that can be relied upon. However, cases before the Commission have revealed that this has not prevented the emergence of so-called “témoin de complaisance”, who, after payment of money merely affix their signatures on the said affidavits and, more often than not, without even understanding the contents thereof. This system has been encouraged by the complicity of other members of the judicial systems such as attorneys or clerks. It is not uncommon to find the same persons as witnesses on a large number of affidavits.

For the system to function

#### Reference 1323 - 0.01% Coverage

of control would be limited.

The second flaw of the system is the plan accompanying the memorandum of survey and affidavit of prescription. Each affidavit of prescription must be accompanied with a memorandum of survey with a plan in conformity with the Land Surveyors Act, showing the location and extent of the land subject matter of the prescription. Experience has shown that in certain cases, there is neither mention of adjoining neighbors or occupiers, nor the state of the land when it was surveyed.

The combination of these two

#### Reference 1324 - 0.01% Coverage

Truth and Justice Commission 325

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS of acquisitive prescription, i.e., when someone has occupied a portion of land with all the requisites of acquisitive prescription, the

#### Reference 1325 - 0.01% Coverage

Civil Status Office where the

An affidavit containing the particulars mentioned above shall be sworn by two witnesses who shall, under oath, affirm that the person has occupied a portion of land with the prerequisites of acquisitive prescription;

•

When the affidavit is sworn

#### Reference 1326 - 0.01% Coverage

Truth and Justice Commission 326

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received by him for transcription

#### Reference 1327 - 0.01% Coverage

Truth and Justice Commission 327

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE COMMISSION RECOMMENDS

1. After having reviewed the numerous laws regarding prescriptions, the Commission recommends to do away with the whole procedure of affidavit and to provide for an alternative way to effect the transcription of prescribed plots of land.

2. It is the opinion of the Commission that the appropriate Protocol would be to exercise more control upon the averments of a person alleging to have prescribed a plot of land. There should be an institution which will ensure the truth of the said averments and which shall have the powers to investigate upon the veracity of these averments. Further, before the same institution, an appropriate memorandum of survey would be required with the possibility of putting questions to the Surveyor.



To summarise, any person who claims to have occupied a plot of land, with all the requisites of acquisitive prescription, shall have the burden of proving same, with at least two witnesses to corroborate the claim. Be it the applicant or the witnesses, they would face a panel who would query them on their averments. Although this system would not

#### Reference 1328 - 0.01% Coverage

non compliance or frauds. 1.

There shall be established in every Local Authority, a committee to be known as the Prescription Committee (hereinafter referred to as "the Committee"), which shall consist of the Chief Executive or his representative as Chairperson, the head of the planning department, the legal adviser of the Local Authority, a government Land Surveyor and a representative of the Ministry of Housing and Lands

2. 3. 4. 5.

The

#### Reference 1329 - 0.01% Coverage

as Secretary to the Committee.

The authority for execution of the Committee shall be the local authority of the respective town or district where the land to be prescribed is situated.

The Committee shall disseminate clear

#### Reference 1330 - 0.01% Coverage

Truth and Justice Commission 328

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a. disclose, at or before

#### Reference 1331 - 0.01% Coverage

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14. Any interested party may

#### Reference 1332 - 0.01% Coverage

at least two witnesses; and

ii. the land surveyor who has signed the memorandum of survey referred to in Section 9 (b). b) The

#### Reference 1333 - 0.01% Coverage

nature of the occupation; and

ii. The knowledge of the witnesses as regards the applicant's contention. c) The Committee may examine the Land Surveyor on his memorandum of survey.

d) The Committee shall, if it deems necessary, summon any other witnesses more specifically, the owners of adjoining plots of land.

17. The Committee shall within

#### Reference 1334 - 0.01% Coverage

Truth and Justice Commission 330

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22. A prescription deed shall

#### Reference 1335 - 0.01% Coverage

Act, more fully described above..

As per the Prescription of Landed Property Act 41 of 1969 – November 1969 and amended by RL 4/253 – 24 April 1982, someone who is acquiring land by prescription needs not to swear an affidavit of prescription, but has to comply with the other conditions. The procedure remains the same.

The amendments in the Affidavit

#### Reference 1336 - 0.01% Coverage

Truth and Justice Commission 331

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LEGAL PERSPECTIVES Truth and Justice Commission 333

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS LAND REFORM - LEGAL PERSPECTIVES

Land is the habitat of Man and its myriad and complex use of it is crucial for human survival. It is the source of all material wealth, be it food, clothing, fuel, shelter or precious stones. We live on the land and from the land, and to the land our bodies or our ashes are committed when we die.

Many members of the animal

#### Reference 1337 - 0.01% Coverage

own areas of defensible space.

Where land is plentiful and can be obtained by clearing jungle or woodland, with no concern for the future, the administrative machinery needs only be rudimentary, but whenever the society reaches a level at which competition for the land begins to arise, land control must be introduced.

In the earliest beginnings, all societies regarded land as belonging corporately to the social group, whether this was a tribe, village, lineage or family. This concept is eloquently expressed in the much quoted saying of a West African Chief:

"Land belongs to a vast family of which many are dead, few are living, and countless numbers are still unborn."

Land is finite in extent and permanent by nature, but the ownership and extent of the rights associated with it change.

"Land is the most fundamental resource upon which society relies for its very existence. This is the one resource which cannot grow in size unlike any human and other physical resources.

Thus, it is of utmost

#### Reference 1338 - 0.01% Coverage

and Lands, 23rd August 2011).

All along, while studying the documents and deeds submitted to the Commission, it has been noted that the Deeds Registration which prevails in Mauritius is a system for registering documents, but not necessarily registering title to land.

A deed does not prove who owns the land; it only records an isolated transaction. The information in the deed may be inconsistent with previous transactions. Apparent consistency may be the result of copying from a previous deed that itself was erroneous.

In many countries, the deed

#### Reference 1339 - 0.01% Coverage

provide quicker access to information.

The Government is aware that the present system is no longer able to respond to the needs of a modern State. For two years, it has initiated a Land Administration and Valuation Information Systems (LAVIMS) project as a first major part of an ongoing land reform programme.

A landowner should never be

#### Reference 1340 - 0.01% Coverage

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after his land. When rights to land were transferred by a public ceremony performed on the land itself, there was little scope for uncertainty or mistakes.

Boundaries were self-evident to

#### Reference 1341 - 0.01% Coverage

were self-evident to the

witnesses, and any doubtful points were cleared "in situ". When, however, land came to be transferred merely by a document in writing, it was no longer certain that the land component in the transaction would be physically pointed out in the presence of witnesses and in any case, some form of written description was needed for inclusion in the document.

The best boundary wrote S

#### Reference 1342 - 0.01% Coverage

not be admitted in Court.

Survey Reports are undertaken by Land Surveyors for the purpose of determining the extent and acreage of land.

With the implementation of the

#### Reference 1343 - 0.01% Coverage

serves both lie in the

field of land information. The rationalisation of this role requires a re-appraisal of the content of land survey education and a change of attitude towards

the

responsibilities of the Government

#### Reference 1344 - 0.01% Coverage

change of attitude towards

the

responsibilities of the Government Land Survey department. An understanding of land must be put into the education of the Land Surveyor; the mandate of the Survey Department must be extended to permit to coordinate the acquisition, processing and presentation of all land information as required for planning and development. Only then will boundary surveys be seen in their proper perspective."

In the new Cadastral Act, a Disciplinary Board to sanction wrong doings and malpractices of Land Surveyors will go a long way towards restoring public confidence.

Ideally, there should be one single agency to perform the various land management functions, such as survey, registration, valuation, planning, engineering surveys etc.

In practice, however, it is

#### Reference 1345 - 0.01% Coverage

are historical and political reasons.

The survey profession, itself, is perhaps coming to the close of a period of profound change and these changes are quite fundamental. Previously, there were few changes in technique that could be easily absorbed into the traditional philosophy of land surveying. Surveying is of such a nature that it now requires a radical change in ideas as to what land surveying is all about, the basis of its underlying philosophy and the educational background needed to support it.

There are three distinct areas

#### Reference 1346 - 0.01% Coverage

and attached to his ownership.

In such a system, the land parcel affects

"the transference of primary attention for the mobile, mortal, mistakable persons temporarily possessing or claiming rights over patches of the earth's surface to the movable, durable, precisely definable units of land affected and the adoption of these as the basis of record instead."

storage and subsequent Truth and

#### Reference 1347 - 0.01% Coverage

Truth and Justice Commission 335

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The main objective of the registration of title is to spare persons, dealing with registered land, from the trouble and expense of going behind the Register, in order to investigate the history of their author's title and satisfy themselves of the validity. That end is accomplished by ensuring that anyone who purchased 'bona fide' and for value, from a registered proprietor and then enters his deed of transfer or mortgage on the register, shall thereby acquire an indefensible right notwithstanding the infirmity of the author's title. Registration of title gives finality and does away with the repeated, imperfect and costly examination of past title.

'bona fide' mistakes as to the past titles or the existing burdens affecting the land. ever-present possibility of fraud by duplication or suppression of deeds.

It gives State guaranteed  
safety

#### Reference 1348 - 0.01% Coverage

to the Commissioner of Lands.

##### FOR A BETTER METHOD OF REGISTRATION OF TITLE OF LAND THE COMMISSION RECOMMENDS:

1. Grouping together of all activities now concerned with land title matters into one Central Authority.
2. The introduction of the principles of title to land and the creation and maintenance of a Cadastral Map.
3. To avoid duplication of

#### Reference 1349 - 0.01% Coverage

be properly filed and numbered.

6. The use of microfiches and microfilms should be introduced to archival existing land registration volumes and other archival documents such as concession plans.

Interest in a property can

#### Reference 1350 - 0.01% Coverage

Truth and Justice Commission 336

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER EIGHT LAND UTILISATION AND ITS CONSEQUENCES

In the early French period, the land policy was geared towards agriculture, the policy of gentleman farmer, a series of estates dotted all over the island. Only a small percentage, however, was put to use.

The term "Crown Land" probably originated with the purchase of the island by the French Crown from the Compagnie des Indes in 1765 for a price of around 12,8 million francs. By that year, about 85,000 hectares of land had already been conceded, although they had to be reunited to the Crown with the Royal take-over.

However, if by 1770 the conceded (private) land stood at some 25,325 hectares (60,000 arpents) against 85,000 hectares in 1765, in 1790, there were already some 156,136 hectares (369,918 arpents) of private holding against 26,490 hectares (62,761 arpents) of mostly bare lands as Crown property.

The situation regarding land tenure became even more erratic by 1804, which showed that out of some 70% of concession land, representing 132,000 hectares (312,734 arpents) of the island, some 26% had already been cleared and were being put under agriculture.

After 1810, the British Colonial

#### Reference 1351 - 0.01% Coverage

1814, 1816 and 1830.

1814

Conceded land (with title deeds) ..... Private lands where title deeds had to be reviewed

Unconceded or unconcedable lands, including Crown Land

340,812 arpents 1816 311

#### Reference 1352 - 0.01% Coverage

Port- Louis Area + Surrounding Mountains

87,254 arpents Source: Summary Data from Land Surveys, 1814-1830.

The Colonial Government initiated a series of small land acquisition in the capital mainly for the road network and construction. Apart from the Government's own uses, Crown land had been disposed of through private and auction sales, leases and free "concessions" (Grants) of small extents. Furthermore, in order to tighten control, the Colonial Government started to implement some of the provisions of the two "Arrêtés" of General Decaen - (Arrêté No. 83 of 1805 which was designed to act principally as a check on unrestrained land clearances) and (Arrêté of 5th May 1807, wherein are defined, amongst others, the inalienability of the Pas Géométriques and the prices to be put on land "concessions"). So the British decided, as from 1815, that land had to be granted by public auction only.

Nevertheless, this decision was not

#### Reference 1353 - 0.01% Coverage

arpents 1830 315,903 arpents

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

establishment of a monocrop economy between 1815 and 1861 which brought about dramatic changes in the agricultural land on the island. This policy disrupted the ratio between cashcrop and foodcrop production which had existed under French Administration.

The first 50 years of

#### Reference 1354 - 0.01% Coverage

that Crown lands became imprescriptible.

The 1880s saw the emergence of the small planters community with the first "Morcellement" of private lands mostly sugar estates. This policy gathered momentum, increasing steadily till the 1920s, with the result that small planters owned some 33,770 hectares, that is, 45% of the land under sugar. The Wilberforce Report of 1911 brought in the creation of the Cooperative Credit Societies in 1913, with the object of providing crop loans to the small sugarcane planters at reasonable rates of interest.

STATE LANDS TO INDIVIDUALS GROUPED

#### Reference 1355 - 0.01% Coverage

##### INDIVIDUALS GROUPED IN SMALL HOLDINGS

While lands continued to be granted on lease to large and small planters for cane cultivation, aloe fibre and for hunting grounds, it was not before the early 1960s that Crown land - later on State lands - were allocated to individuals grouped in small holding Cooperative Societies. This was a major departure in the Government policy which started, in fact, before the Independence era. The objectives were three-fold:

- To boost the production of

#### Reference 1356 - 0.01% Coverage

cultivating tea and other crops;

- To give access to land to a wider range of people engaged in agriculture, thereby democratising land tenure.

In line with this policy, plots of land were allocated, in different parts of the island, to Cooperative Societies for sub-letting to their members. The area allocated to members as sub-leases ranged between 1 to 3 arpents. At the start, these plots were allocated for cane cultivation. Later on, other plots of land were given on lease for vegetable cultivation as well. Around the year 1959/60, following the possibility of tapping underground water, State lands located in the coastal regions, hitherto left idle for lack of precipitation, were rendered cultivable, thanks to the tapping of underground water, especially in the North and East of the island by the Irrigation Authority.

TEA SMALL HOLDING SCHEME Truth

#### Reference 1357 - 0.01% Coverage

Truth and Justice Commission 338

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The Small Holding Project, a most significant development, was implemented in the context of the tea-growing small holdings scheme to diversify agricultural activity away from sugar. The project, in fact, started in 1959, when large areas of forest land were cleared and planted with tea in the Midlands valley. On reaching maturity stage, the tea gardens were then parceled out into plots ranging between 1 to 3 arpents and allocated to individual members of the society. The first Tea Marketing Cooperative was registered with 150 lease-holders at Midlands.

Other areas in the Midlands

#### Reference 1358 - 0.01% Coverage

##### Credit and Marketing Cooperative Societies.

The project which, by the year 1980, comprised around 5,500 arpents of land being exploited by 3,100 beneficiaries, proved to be successful. Unfortunately, the fall in the price of tea on the world market (operating through London) rendered tea cultivation uneconomical and plots of land under tea were reconverted into plantations sugar cane and other crops, with or without the same beneficiaries of the original plots.

##### ALLOCATION OF STATE LANDS FOR

#### Reference 1359 - 0.02% Coverage

##### OTHER TYPES OF AGRICULTURAL ACTIVITY

Other plots of land were allocated on the same basis to planters grouped in Agricultural Marketing Co-operative Credit Societies at Belle Mare, Palmar, Bel-Ombre, Plaisance North, and La Ferme St. Martin for onion, potato and other vegetable crops. Such projects have proved beneficial in that the bulk of the onion crop is produced on such lands, while production of vegetables remained important to meet the country's requirements. In 1984, 25 arpents of land were, for the first time allocated to pig-breeders grouped in the Plaisance Pig Credit and Marketing Co-operative Society. Each sub-lease, being 'bona fide', pig-breeders who resided in the outskirts of the township of Beau-Bassin/Rose-Hill received notice to stop pig-breeding in the sub-urban areas. This project, consisting of 25 pig-breeders, is responsible for around 40% of national production of porkers, a remarkable feat in itself.

Between 1881 and 1904, the Colonial Government was involved in a vast acquisition programme and purchased some 27,534 arpents of land, mainly in the watershed regions of Plaines Wilhems, Moka and Savanne. Following the recommendations of Gleadow in 1904, further acquisitions were made in other districts up to 1930, thus bringing some 12,597 arpents more under Government control. Gleadow reported that these acquisitions ended up at times in the Court, owing to either noncompliance of the former owner or dispute over valuation and compensation.

Other areas were acquired under the La Nicolière and La Ferme Schemes (1944), the Pilot Land Settlement Schemes (in the early 50s), Richelieu (1934), Mare Anguilles (at Choisy, in 1963 for tea) and at Mon Bois (1967, for tea and fodder plantations). Moreover, lands were reacquired for nonagricultural purposes, mainly for the extension of educational infrastructures, the development of internal and external communications for the improvement of the road network and the establishment of Plaisance Airport, the Cyclone Rehousing Programme, after the passage of cyclone Carol for low-income groups.

Following the Independence of Mauritius, all land acquisitions were determined by existing economic constraints and social development: education, housing, rehabilitation, after cyclone Gervaise.

The new Government focused its attention on: rehousing schemes, the extension of Primary and State Secondary Schools in 1968, communications improvement with the creation of the First Highway Project, the Northern Entrance Road, Relief Roads to the North, the Phoenix-La VigieMahébourg Road, better control on the main agricultural sectors, mainly sugar cane and tea, through the acquisition of the Rose-Belle Sugar Estate and the Nouvelle France Tea Estate in 1973, and the acquisition of land for the Plaine-des-Roches Airport Project (which has been shelved), while reclaiming, at development.

the same time, land from the sea in the Mer Rouge area for harbour Truth and Justice Commission 339

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

It is worth-mentioning the



#### Reference 1360 - 0.01% Coverage

has served as a comprehensive catalogue of Crown Lands for the past half-century, it has some limitations". He adds: "No system has been developed so far to rationally complement and convey the dynamics of all land transactions of Government. The approach since 1934, which might have been worthwhile in the shortterm was simply to make handwritten entries and adjustments (for example, following an exchange and sale of land) on a few copies of the Domaine Book."

The FFC highlights "shortcomings" of

#### Reference 1361 - 0.01% Coverage

Truth and Justice Commission 340

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER NINE FINDINGS AND RECOMMENDATIONS LAND DISPOSSESSION

The setting up of the Truth and Justice Commission has created high expectations within the Mauritian population at large. Different people had different interpretations of the true mandate of the Commission, particularly as far as land is concerned. Most of those who presented themselves before the Commission were of the opinion that the TJC would do the utmost to retrieve the land that their ancestors might have possessed at different periods of our history. While others thought that they would be compensated for the land they probably owned and which they have lost. This perception has, moreover, been emphasized from certain quarters who have led people to believe that the Commission has been created, first and foremost, to take back large portions of lands, especially from sugar estates, and to undertake an equitable redistribution among the less privileged and those lower on the economic and social ladder.

Very few people were aware

#### Reference 1362 - 0.01% Coverage

properties and by what means.

Following findings of the Commission, which has probed deeply into the history of slaves and indentured descendants, it has been found that people have lost their land due to their inability to establish their claim or prevent people from acquiring their land through prescription and illegal means.

During the whole French occupation, the slaves had no right to hold land. Those who were emancipated and who managed, through enormous sacrifice to obtain plots of land, lost these due to legislation in force which prevented them from enjoying their rights.

The hearing sessions, meetings, interviews

#### Reference 1363 - 0.01% Coverage

paving the way for recommendations.

The Oral History Project research (See ORAL HISTORY OF DESCENDANTS OF SLAVES Part 1, Volume 3), commissioned by the Truth and Justice Commission to document and preserve the memories and views of people who consider themselves as slave descendants, surveyed the collective memory of the people who have a particular knowledge of the history, culture, lifestyle, heritage and traditions of slaves, ex-slaves and their descendants. The survey, which covered the islands of Mauritius and Rodrigues, Agaléga, Chagos

aimed, amongst others, at uncovering the "Causes of landownership and causes for loss of land" by the descendants of ex-slaves.

People from different parts of

#### Reference 1364 - 0.01% Coverage

lower Plaines Wilhems answered convincingly:

- "Many families have lost their lands" - (R5); • "Lost land my grandma Bhugaloo, a Creole. Her father came from India, had land from la Louise to Bassin. It was lost" - (R8);
- "My wife's parents had land but they lost it. They did not care about land or had too many debts. Out of debts I could have lost my land. My children have built on that land - (R12);
- "We have lost land from dad's in Pointe-aux-Piments" - (R13); • "There was Teco family who lost hundreds of Arpents of land that Medine has

Truth and Justice Commission 341

#### Reference 1365 - 0.01% Coverage

Truth and Justice Commission 341

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS taken from them" - (R14);

- "I know someone who has mortgaged his land for friends and it was sold to the bar and it was lost. If you have a land, you should not sell it. It's not good to rent houses all your life. It's important to have you own house". (R10);
- "In Belvédère where I was born, my ancestors had allowed Hindus who had come from India to settle on a piece of their land. After that, these people stole their land- (R11);
- "My mum and dad had land, but my cousins stole those lands. We also lost lands in Curepipe. Before his death my grandfather gave a land contract to one of my aunts and told her to give it to me. One of my cousins stole the contract and now her sons are building houses on that land. Once my mother was called because there would be sharing of Simpson lands, she did not go".- (R19);
- "We have lost a lot of land. Creoles have lost a lot of land. My grandmother had land in Ste Croix but lost it during the racial riots in 1968".-( R20 );
- "My grandma father came from India, had land from la Louise to Bassin. It was lost".- (R23).

The families of 10 out

#### Reference 1366 - 0.01% Coverage

respondents have lost their lands.

Those from East and South-East (Flacq and Grand-Port Districts) related the same: • "She claims that her great grandfather was given land (around 10 acres) by the owner of Sans Souci Sugar Estate as he was the guardian of the weighing Bridge. But she doesn't have any document as no one in her family ever had any document. In the past, people even used to take permission from her grandfather to grow 'filao' on the land. Her brother still lives on the plot where the bridge was found. However, some years back, the land was being sold by a "courtier" upon the request of FUEL Sugar Estate. Even the small plot of around "140 toises" where she lives with her sisters and brothers has been sold to someone living in Rivière du Rempart. She is facing a legal battle. She claims that all her generations have lived on this land. She blames FUEL Sugar Estate to sell a land that didn't belong to them. My mother has also lost her land in St Julien d'Hotman.

I also know the Lamarque family who now lives in Port-Louis, who have lost 75 arpents of land, which is currently being occupied by the sugar estate". – (R1);

- "Respondent says that her grandparents had land in the eastern part of the island. But he never managed to get precise information about its location to claim it". – (R2);

- He explains that his mother had land around St Julien d'Hotman but the land was lost with time. Respondent also explains how in the past, people use to stay on land without having any document to prove their ownership. Some did manage to get their "bordereau" to claim their land. In other cases, the sugar estate owners simply cleared bare or unoccupied lands and planted sugarcane on it. Sur to lack of financial resources, the owners never managed to claim back their lands. – (R3);

- "I know the Tai family of Flacq who had vast portion or around 100 arpents of land in Bel Etang. The elders didn't inform the upcoming generation about this land and it became unoccupied. The sugar estate had land on each side of the Tai property. First, they built a road across the unoccupied land. Little by little they cleared further land until they became the owner as no one is claiming the land. The Aza family also faced the same. When they claimed their land, the sugar estate in return claimed for much compensation for the money they invested in the land". – (R3)

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#### Reference 1367 - 0.01% Coverage

Truth and Justice Commission 342

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

- "My father-in-law has lost a land in Olivia. He had bought the land. He even has the title deed, but the sugar estate didn't allow him to claim the land. I have handed the contract to the notary. My lawyer told me to give up even though I paid him Rs. 3000". (R5);

- "I have a land which stretches from Trou D'eau Douce till Palmar, but "tablisma" had planted sugarcane on it. documents".- (R6);

I even had my all

#### Reference 1368 - 0.01% Coverage

even had my all my

- "My family, the Charlot had lots of land, but the sugar estate has grown sugarcane on it. They were too careless. The Whites took away the land". – (R7);

- "My mother has lost her land in Komason. My father- in- law lost his land in Carreau Banane. They were too focussed in enjoyment. For Rs. 45 and a "farata, curry banana ek curry coq", they lost two 'arpents' of land". – (R 10);

- "In Camp Marcelin, there was much land that belonged to Creoles. But the sugar estates have taken the land from them". (R11).

Nine respondents claim to have lost land.

In most cases, the sugar estate owners have cultivated sugarcane on these lands. Due to lack of education and financial resources, they have not managed to get back their land. According to them, the whites were financially too strong to fight against and justice is too expensive to afford and with growing age the respondents have even grown weaker.

The surface of the land that was lost is very important ones.

Research also revealed that the slave descendants were given land without any document to prove ownership. With time, they simply had no document to prove that they own the land which was being sold.

Some respondents are of opinion that the lack of education of their grandparents is also attributed for the lost of land.

The issue of land dispossession was also raised in the interviews West and South-West (Black River and Savanne Districts) with almost all the informants pointing out that the slave descendants lost their land. Almost all the informants pointing out that their family have lost their land, either to the sugar estates or to members of other ethnic

#### Reference 1369 - 0.01% Coverage

their own kins. They were dispossessed of their land because they were illiterate or negligent. The surface of the land that was lost is very important ones. Had the respondents still owned them today, this would certainly have been an excellent way to better their future and overcome their poverty. Some claim to have title

#### Reference 1370 - 0.01% Coverage

loss of identity and properties? •

"There are still many families from slave ancestry who don't even have a house today. Indians came for sugar cane field work and they had priority to have lands. Creoles were left behind. They struggled but had nothing and still have nothing. Creoles are those who don't have houses. The land they lived on was not theirs. They lost it. Many families have lost their lands. We must do research. I have moved 14 times in my life because of cyclones. Today I have a small cité house. Mother bought it

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#### Reference 1371 - 0.01% Coverage

Truth and Justice Commission 343

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

after cyclone Gervaise. I have lived in that house for 33 years, but we don't possess it fully because we are still paying for the land. There were 80 houses; these were the first houses to be built after Gervaise (Lakaz letaz - Storeyed House). It was a "sample". People have become owners of their houses 50 years after Carol. Housing is a serious problem. Some children cannot buy land, it is too expensive. And there are too many people on the list". - (R6);

•

"Slavery had an impact on

#### Reference 1372 - 0.01% Coverage

of slavery".- (R12 and R13);

"As slave descendants, we have inherited nothing, no land, no economic power. 80% of land belongs to white people. Indians are organized since 1913; they had experience in economic development. Creoles did not have that experience. They were destitute". - (R16);

•

"Consequences are hard – My biggest

#### Reference 1373 - 0.01% Coverage

under "PRESCRIPTIONS" at Chapter 6.

The sample of cases under review under the heading of "Land – A Source of Conflicts" and a few cases which have been more closely studied, namely the Clémentine (File No TJC/L/0142), Faoulez/ Macca (File No TJC/L180) and Capiron (File No TJC/L/O31), the Spéville/ Choolun case, as well as the Guibies/ Pailles case and the Gertrude/ Dasani case (Gertrude Marie Fleurance, born Bontende - File No. TJC/L/312 - ; Dasani Lutchmeen, born Gowreeah - File No. TJC/L/0137) in Mauritius and the Bégué case, in Rodrigues have been combined to show how people can be so easily victimized, even if laws exist to protect one and all.

In fact, people can easily

#### Reference 1374 - 0.01% Coverage

Truth and Justice Commission 344

##### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

door to all sorts of malpractices on the part of certain professionals called upon to protect the interests of one and all. It is even easier to prescribe a plot of land whereby a Notary has simply to fetch two witnesses for a mean Rs 100 to swear an affidavit of prescription. But, it is extremely difficult for someone, without sufficient financial means who wants to safeguard his rights. The hurdles are set so high. All those who have been dispossessed of their land should, in the actual system, have recourse to a land surveying, establish his family tree, secure the services of a Notary and an Attorney to prepare and plead his case in Court. The larger the extent of land, more costly becomes the bill for surveying; the longer the case remains on the Register of the Court roll, the more they have to pay. The case of Louis Chérubin (Karl) Lamarque - (File TJC/L/0048) is an example.

All those who came to

#### Reference 1375 - 0.01% Coverage

retrieving them from the Archives,  
found the land and sold it to  
third parties. Moreover, these people

#### Reference 1376 - 0.01% Coverage

TJC/L/0212), among others.

Some of them have, during years, been confronted with the problem of non- access to their ancestors properties due to the fact that these plots of land are found in the areas occupied by sugar estates/ companies. In order to reach out these plots of land, the deponents had to undergo searches, support their claims by a Land surveyor's Report/ Constat Report on the very plots of land which are not accessible. If the Commission has been able to help some applicants, Tancred Danielle & Others – FUEL ( File TJC/L/0003); Devanny Oomadutsing – Bel Ombre (File TJC/L/M/208); Patrick Webb/Chang Kye – Espitalier- Noel Group

(File TJC/L/0046); Bonnefin/Clency Harmon & Others – Medine (TJC/L/0015); Mayeur/ Cazalens/Kisnorbo – Deep River Beau Champs (File TJC/L/0004);  
to open the long awaited

#### Reference 1377 - 0.01% Coverage

which helped enormously the Commission.

When called to give their version, in most cases, the CEOs laid down heaps of documents which forced the Commission to spend a lot of time to find out to situate exactly these claimed plots of land.

However, the Commission has been

#### Reference 1378 - 0.01% Coverage

Truth and Justice Commission 345

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS maintain the discussions/ negotiations between all parties concerned.

Furthermore, the Commission has also

#### Reference 1379 - 0.01% Coverage

factors which should be highlighted:

- The demand for more land and the rapid development of real estate has opened the door to a new breed of “Récupérateurs de terres”. These individuals open and run modern offices, invest huge sums of money to better attract their clients, establish deals of 49%/51% or vice-versa, to retrieve lands with the promise of a better future for those who are in search of their heritage.
- Furthermore, some Land surveyors, seconded by certain Attorneys and Notaries are rapidly prescribing plots of land which are quickly sold, overnight, to new companies set up with the help of foreigners/ investors looking for greener pastures in Mauritius.
- Moreover, persons who have prescribed plots of land and who know that they could be challenged in Court have secured the help of some militia in order to prevent real owners to have access to their properties, (Christian Grenade – File TJC/L/0044) and Goodur Abdool Reshad - File TJC/L/M/0210). In the case of Grenade, the Commission views with concern that even a request made to the Commissioner of Police to give police protection to the heirs to clean up their land at Le Bouchon has remained unattended.

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#### Reference 1380 - 0.01% Coverage

Truth and Justice Commission 346

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS RECOMMENDATIONS THE COMMISSION FINDS

The Commission has observed that

#### Reference 1381 - 0.01% Coverage

Truth and Justice Commission 347

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The registration concerning "Testament olographe

Reference 1382 - 0.01% Coverage

irrigation projects of Estate factories,

should be legally swapped for land amounting to the same value in other areas, if the planters so wish.

Training programs on research technologies

Reference 1383 - 0.01% Coverage

Truth and Justice Commission 348

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS FURTHER RELEASE OF LAND TO VULNERABLE GROUPS

THE COMMISSION FINDS The policy of allocation of State lands in lots to cooperative societies for on letting to 'bona fide' cane growers, vegetable growers and breeders has proved successful. In the context of greater democratisation of land, small holding projects have proved to be tools towards that end. While Creoles, descendants of ex- slaves after the abolition of slavery have been cut-off from agricultural activity in Mauritius, a situation which has not occurred in Rodrigues there is presently a desire for land acquisition and a return to agriculture.

The consequences of the divorce of Creoles in agriculture have proved damaging in that it has destroyed in them the urge for land ownership and a sense of entrepreneurship in agricultural Society. However, there is now a hue and cry from people of this category to return to agriculture and other farm activity.

THE COMMISSION RECOMMENDS

The Commission

Reference 1384 - 0.01% Coverage

farm activity.

THE COMMISSION RECOMMENDS

The Commission therefore recommends that well-knit projects on whatever land granted by the private sector to the Government be allocated to bona fide planters and breeders grouped on Small Holding Cooperatives.

PRESCRIPTION IN RODRIGUES

THE COMMISSION

Reference 1385 - 0.01% Coverage

Holding Cooperatives.

PRESCRIPTION IN RODRIGUES

THE COMMISSION FINDS All the applicants – Private and Government Land Surveyors, Attorneys and Notaries, Chief Planner - invited to give their views before the Truth and Justice Commission readily

admitted that the Law has been respected in all circumstances. Yet, it must be observed that the information contained in the Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit. For example, in certain Notices, the description given is so vague. In so many Notices, mention is often made "On the first side by a public road", "on the second side by an unknown proprietor", "on the third side, proprietor is unknown", etc. The law is clear as to the "precise description", "the exact location", "the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land."

occupying a plot of land since 30 years does not know the name of his neighbours. There have been cases where Notices have been published in a Chinese daily.

It has also been observed that the very person who prescribes a plot of land does not have to sign the affidavit. Only the two witnesses sign it. He just gives instructions to swear the affidavit but does not participate in the procedure.

It may happen that a person accused of having prescribed a plot of land might later say that he was not aware that this land had been prescribed in his name.

THE COMMISSION RECOMMENDS It is

#### Reference 1386 - 0.01% Coverage

the person who has been

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

to include information on the searches, made by the Surveyor, relating to the last known owner of the land being prescribed.

The legal status of land either in Mauritius or Rodrigues falls under three categories: State Land Domaine Public inclusive of Pas Géométriques; and Private Land

All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a category of land which belongs to the public at large by nature of its use: roads, beaches, sea, rivers, etc.

The Private land is lands under private ownership which at a certain point in time either during the French occupation or the British occupation has been conceded/ granted to someone. As such, all the plots of private land must have originated from one of these grants.

There is thus no such thing as ownerless land.

Any professional being a Land Surveyor, Attorney or Notary, should be able to trace back the owner of any land in Mauritius or Rodrigues.

It must be made mandatory

#### Reference 1387 - 0.01% Coverage

of the last known owner.

At the same time, any Notice under the Affidavit of Prescription Act should be published with its appropriate location plan that will help in the identification of the land by the true owner.

No Notice of Affidavit of

#### Reference 1388 - 0.01% Coverage



be established by the police.

#### OTHER LAND ISSUES IN RODRIGUES

THE COMMISSION RECOMMENDS • Adoption of a Physical Development Plan and of a Land use Plan. • Finalise the Land Information System • Ensure that projects are in line with defined strategies for land use development. • Provide accurate information on state land ownership status and development at any point in time.

- Align and revise rental of land in accordance with market rates. • Improve legal framework for town & country planning and land use. • Regularise all eligible occupiers of State lands.

Truth and Justice Commission 350

#### Reference 1389 - 0.01% Coverage

Truth and Justice Commission 350

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- Respond to the land requirements of all Commissions for timely implementation of public projects.
- Planning clearances for residential and commercial/industrial projects on state land prior and after lease of land.
- A digitalised Cadastre of all

#### Reference 1390 - 0.01% Coverage

Rodrigues effectively established and updated.

- Review of State land leases effectively for optimising Government revenue. • Grant of lease to applicants occupying state land. • Effective vesting of State lands and acquisition of private land for public projects. • Land Use Planning and management processes in place and promoting improved and sustainable land use
- Effective land administration services in place, accessible to all and protecting the land rights of all citizens.

#### CREATION OF A LAND BANK

THE COMMISSION FINDS The control

#### Reference 1391 - 0.01% Coverage

control of the use of

land is a major problem to Governments. In both developed and developing nations, local and central authorities have tried in a variety of ways to shape the physical layout and contour of their cities and other areas in the realization that how land is used has profound consequences for the well being of their citizens.

As it is, land management is intertwined in a patchwork of overlapping authorities with diverse sources of authority.

The Ministry of Housing and Land Development plays a key role in land development and land use. Any development on State Land requires the approval of the Planning Division which acts on behalf of Government as lessor. Their activity is not restricted to Government owned land since their advice is sought by local and parastatal bodies for development on private owned land as well as "aménagement des territoires".

Under the Town and Country

#### Reference 1392 - 0.01% Coverage

economic problems can possibly succeed".

Available areas by itself will not be sufficient to solve the problems of raising agricultural productivity. The cost of setting new land, of reclaiming land from the onslaught of the sea or of Truth and Justice Commission 351

#### VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

bringing derelict land into productive use is rarely justifiable, however socially desirable it may be. New plans for development should concentrate upon intensifying output criteria for agricultural areas.

Due to shortage of funds

#### Reference 1393 - 0.01% Coverage

give reasonable returns on investment.

It is in the light of these reflections that the creation of a Land Bank is envisaged as a panacea to land management.

The Land Bank is a Central Land Authority which coordinates within a single institution all the functions and powers presently vested in a number of different corporations' authorities, department and ministries relating to the organization and management, especially in the context of land reform and environmental development.

Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meager resource.

When contemplated in a context of land scarcity with possible conflicting land use, the Land Bank, if properly formulated by a comprehensive land use policy will ultimately control all forms of land development and will ensure a judicious allocation of lands needed for the island's development.

#### THE COMMISSION RECOMMENDS

It is

#### Reference 1394 - 0.01% Coverage

island's development.

#### THE COMMISSION RECOMMENDS

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The functions of that agency

#### Reference 1395 - 0.01% Coverage

2) (3)

(4) (5) (6)

Buying and selling of agricultural land so as to foster its distribution among small holders and the landless;  
Purchasing of land for development for immediate projects;

Expediting the purchase and transfer of land so as to avoid administrative delays and allow the steady release of developable land;

Managing of stock Government-owned land;

Reducing land speculation and curtailing the increase in land value; and Organising and regulating of a real estate market.

Truth and Justice Commission 352

#### Reference 1396 - 0.01% Coverage

Truth and Justice Commission 352

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS PRESCRIPTION IN MAURITIUS  
OBSERVATIONS •

No deed, whether authentic

#### Reference 1397 - 0.01% Coverage

Supreme Court.

THE COMMISSION RECOMMENDS

1. After having reviewed the numerous laws regarding prescriptions, the Commission recommends to do away with the whole procedure of affidavit and to provide for an alternative way to effect the transcription of prescribed plots of land.

2. It is the opinion of the Commission that the appropriate Protocol would be to exercise more control upon the averments of a person alleging to have prescribed a plot of land. There should be an institution which will ensure the truth of the said averments and which shall have the powers to investigate upon the veracity of these averments. Further, before the same institution, an appropriate memorandum of possibility of putting questions to the Surveyor.

survey would be required with

#### Reference 1398 - 0.01% Coverage

would be required with the

To summarise, any person who claims to have occupied a plot of land, with all the requisites of acquisitive prescription, shall have the burden of proving same, with at least two witnesses to corroborate the claim. Be it the applicant or the witnesses, they would face a panel who would query them on their averments. Although this system would not be foolproof, it will minimize the risks of frauds. Also, it must be borne in mind that the creation of a single institution may result in it being overburdened, which might hamper a quick and efficient process. This is the reason why it has been deemed appropriate to share this role

amongst our Local Authorities, although the possibility of one central institution remains. Below is a proposal for a new system where the affidavit of prescription has been replaced by a prescription permit. To cater for these, the Affidavit of Prescription Act can be amended or simply repealed and the following added to the Local Government Act.

To conclude, the legislator needs

#### Reference 1399 - 0.01% Coverage

non compliance or frauds. 1.

There shall be established in every Local Authority, a committee to be known as the Prescription Committee (hereinafter referred to as "the Committee"), which shall consist of the Chief Executive or his representative as Chairperson, the head of the planning department, the legal adviser of the Local Authority, a government Land Surveyor and a representative of the Ministry of Housing and Lands

2.

The Chief Executive shall

#### Reference 1400 - 0.01% Coverage

Truth and Justice Commission 353

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS 3. 4. 5.

The authority for execution of the Committee shall be the local authority of the respective town or district where the land to be prescribed is situated.

The Committee shall disseminate clear

#### Reference 1401 - 0.01% Coverage

Truth and Justice Commission 354

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ii. his date of birth

#### Reference 1402 - 0.01% Coverage

at least two witnesses; and

ii. the land surveyor who has signed the memorandum of survey referred to in  
Section 9 (b). b) The

#### Reference 1403 - 0.01% Coverage

nature of the occupation; and

ii. The knowledge of the witnesses as regards the applicant's contention. c) The Committee may examine the Land Surveyor on his memorandum of survey.

Truth and Justice Commission 355

#### Reference 1404 - 0.01% Coverage

Truth and Justice Commission 355

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d) The Committee shall, if it deems necessary, summon any other witnesses more specifically, the owners of adjoining plots of land.

17. The Committee shall within

#### Reference 1405 - 0.01% Coverage

Truth and Justice Commission 356

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE COMMISSION FINDS

The Commission is of opinion

#### Reference 1406 - 0.01% Coverage

Act, more fully described above..

As per the Prescription of Landed Property Act 41 of 1969 – November 1969 and amended by RL 4/253 – 24 April 1982, someone who is acquiring land by prescription needs not to swear an affidavit of prescription, but has to comply with the other conditions. The procedure remains the same.

The amendments in the Affidavit

#### Reference 1407 - 0.01% Coverage

to the procedure of prescription.

laid down in the proposed Affidavit of CASES OF LAND DISPOSSESSION

THE COMMISSION FINDS: From the

#### Reference 1408 - 0.01% Coverage

the appropriate and relevant documents.

THE COMMISSION RECOMMENDS The creation of a Land Research and Monitoring Unit which shall cater The functions, powers and of this Unit are outlined below: FUNCTIONS AND POWERS OF THE LAND RESEARCH AND MONITORING UNIT

The functions of the Land Research and Monitoring Unit would be: 1. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property;

for the

technical side of

#### Reference 1409 - 0.01% Coverage

Truth and Justice Commission 357

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

2. To carry out an in-depth investigation concerning an alleged complaint or hold an enquiry into land issues, out of its own initiative or at the instance of interested parties;
3. To advise the applicant

### Reference 1410 - 0.01% Coverage

to draw up genealogical trees;

5. To study plans of grants, relevant Notarial Deeds and any other relevant documents related to land movement;
6. To provide, within statutory limits, assistance, financial or otherwise, to claimants as regards land surveys or other necessary actions;
7. To submit or refer

### Reference 1411 - 0.01% Coverage

#### FOR A NOTARIAL ACTS DATABASE

The Commission recommends: 1. That the work initiated by the Notarial Acts Database (outline of which follows) be continued by the proposed Land Research and Monitoring Unit as a matter of urgency.

2. That the server to

### Reference 1412 - 0.01% Coverage

Truth and Justice Commission 358

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

□ Miss Begum Durgahee, Lecturer, Department

### Reference 1413 - 0.01% Coverage

locality and other relevant information)

- To allow for qualitative and quantitative analysis of information for land ownership □ To allow for tracing records relating to land claims □ Allow conversion between different currencies of the time (livres, piastres ...)
- To allow for a detailed study of the land ownership patterns per month, year and decade as well as within a particular district and in other districts throughout the island
- To allow the study of the land transactions by price range, year, district, locality ...
- To make provision in the

### Reference 1414 - 0.01% Coverage

in order to identify trends

□ To allow for the localization of a plot of land on a map using GPS coordinates □ To allow for view of the different property of a particular person on a map □ To allow for provision for the addition of maps and plans and other documents

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#### Reference 1415 - 0.01% Coverage

Truth and Justice Commission 359

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS □ To provide for export of data into Excel and Word

Non-Functional requirements The major

#### Reference 1416 - 0.01% Coverage

Truth and Justice Commission 360

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A user guide for the system follows. LAND ISSUES DATABASE

The Land Database contains details about transaction dealing with Land Sales and Loans. The Land Database has been built around Open Source Technologies, namely Apache [2], MySQL [3] and PHP [4].

To deploy the application, MoWeS

#### Reference 1417 - 0.01% Coverage

shown in Figure 1 below.

Figure 1: Land Issues Database Launched Truth and Justice Commission 361

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS The User Name "tjc" and Password "tjc" gives full access to the system as shown in Figure 2. Figure 2: Land Issues Database Main Page

The menu on the left

#### Reference 1418 - 0.01% Coverage

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The main/master component of

#### Reference 1419 - 0.01% Coverage

Truth and Justice Commission 363

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Once a transaction has been

#### Reference 1420 - 0.01% Coverage

Truth and Justice Commission 364

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS The user can also make entries for all people involved in the transaction, by clicking on "Transaction Person Details" and is

#### Reference 1421 - 0.01% Coverage

have many related detail records.

The Other links on the menu, namely, "Currency", "District", "Land Area", "Land Type", "Occupation Categories", "Reference Status", are

#### Reference 1422 - 0.01% Coverage

be enhanced in the future.

The purpose of each of them are summarized as follows: □ Currency: Defines the different currencies as used in the archives □ District: Defines the districts that occur in the archive registries □ Land Area: Defines the abbreviations used to specify the areas of land (arpent, toise) □ Land Type: Defines the types of emplacement, Terrain

#### Reference 1423 - 0.01% Coverage

de couleur libre, Ancien Immigrant)

land involved in the archival registries (Terrain Truth and Justice Commission 365

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The above will dynamically change

#### Reference 1424 - 0.01% Coverage

Truth and Justice Commission 366

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Different reports have been created to represent the patterns in the land transactions. These can be accessed by clicking on the "Sales Reports" and the "Loans Reports" links in the menu., and clicking on the drop down list "Reports", where the different reports available in the database will be shown. This is illustrated in Figure 7 below.

Figure 7: Accessing reports in

#### Reference 1425 - 0.01% Coverage

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The data accessed via the



#### Reference 1426 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS REFERENCES CHAPTER ONE

1. MNA : Code Noir et

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#### Reference 1428 - 0.01% Coverage

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15. Hall, D. 1978. The

#### Reference 1429 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

21. Pillay. K., C. Travailleur

#### Reference 1430 - 0.01% Coverage

among Indians

CHAPTER 6 PRESCRIPTIONS

1. The Code Napoléon (Amendment) Act 37 of 1978. 2. The Code Napoléon (Amendment No. 3) Act 9 of 1983. 3. Vide *Dadool v. Jeetdeal* 2006 SCJ 3. 4. *Solange v Aubeeluck* 1955 MR 43. 5. *Encyclopédie Dalloz, Droit Civil* 6. *State Land Act* (1991) 7. *La Société des Cascadeurs v. The Ministry of Works* 1995 SCJ 15 8. *Nemdharry v. Rasmally* 1955 MR 353. 9. *Parmessur v. Seeyave* 2000 SCJ 348. 10. *Bakooa v. Proag* 1956 MR 453. 11. *Amjad v. Ramloll & Anor* 2002 SCJ 219. 12. Vide *Rioux v. Esplacathose* 2003 SCJ 248. 13. Vide *Foolman v. Chaytoo* 1972 MR 232. 14. *Ramjeeawon & Ors v. Matapallut* 2003 SCJ 138. 15. *Jankoo v. Gopaul* 1992 MR 90. 16. *Khadaroo v. Dorson* 1980 MR 45.

Economics of grouping planters into land area management units (LAMU, phase II. Truth and Justice Commission 371

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VOLUME 2: LAND REFORM – LEGAL

Reference 1431 - 0.01% Coverage

ASPECTS Truth and Justice Commission

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## VOLUME 3 CONTEMPORARY HISTORY, CULTURE

### Reference 1432 - 0.01% Coverage

individuals, their parents and grandparents

F. Particular constraining experiences of living in cités (coastal and non-coastal) and occupation etc. G. Causes of illiteracy H. Causes of landownership and causes for loss of land I. Perceptions of other ethnic and cultural groups and their history

J. Experience at work-place

### Reference 1433 - 0.01% Coverage

had values though no education."

R6 "My grandfather practiced animal rearing and planted maize, sweet potatoes and manioc. He had a small plot of land and did barter with fishmongers etc."

Their parents or grandparents have

### Reference 1434 - 0.01% Coverage

cousins (Germain) in Rose Hill."

R11 "My grandparents had their own land. You know, formerly people did not live a luxurious life. They were growing sugarcane and vegetables. When, these were not available, they use to work for others as labourers".

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### Reference 1435 - 0.01% Coverage

of being descendant of slave.

R1 She has a written document from the Nelson Mandela Centre for African Culture which states that her forefather came to Mauritius as a slave who came from South Africa. He first was working in the region of Plaine Wilhems then moved to Lallmatie to work for the Sans Souci Sugar Estate. He was the "gardien" of the weighing bridge. Her brother still lives on the plot where the ruins of the weighing bridge are found. Respondent claims loss land.

R4 He has a copy a legal document of the year 1819 whereby his great grandfather, Mathurin Jeannot, born in Mozambique, left behind a large plot of 156 arpents in the District of Black river to his children Alcide, Abédé, Guillaume, Frédéric and Delphine Jeannot. R4 claims to be the descendant of Alcide. Respondant claims loss land.

1 respondent (R9) doesn't know

#### Reference 1436 - 0.01% Coverage

1968 to live in a

longère (shed) and then in a cite ouvrière (working class estate) at Cité Briquetterie. Owns today a house but not the land

R6 Owns his house (in a cité ouvrière) but not the land

R7 In Chagos the land belonged to the Etablissement; a sum was deducted from their wages as rent but there was no

#### Reference 1437 - 0.01% Coverage

of ownership. In Mauritius, the

respondent's grandfather had bought a piece of land near La Butte (Rue Moka) and hoped to bequeath it to his daughter but the sister of the grandfather had taken over the land despite his daughter. Presently the responder owns a house at Cassis while living in another at la Tour Koenig.

R8 The grandfather had land at Roche Noire but was cheated by his own brothers when respondent was still very young

R9 Knows that the family from the paternal side had plots of land R10 On the maternal side they were proprietors but had lost their land. R11 Had inherited the house from his parents. The parents from maternal side had lost plots of land through neglect

R12 Father owned a large plot of land that he lost R13 Is presently a tenant but the maternal grandparents owned land at Plaine des Papayes. They lost the land through neglect.

R14 Owns a house inherited from the mother who had bought it R15 Owns a house at Cité la Cure and a plot of land at Mme Azor R16 She lives with his son who owns house at Cité la Cure. The forefathers had a plot of land at Pamplemousses that they lost through neglect and declaration of property rights

R17 Owns the house in Cité la Cure and lived on «Crownland at Vieux Grand-Port. The forefathers had a plot of land of 2 acres which cannot be sold as they were dead

R18 Is not a householder but had understood through several oral sources that there had been loss of land in the family. This was due to the fact that elders had left no will at their death

R19 Information not available Truth

#### Reference 1438 - 0.01% Coverage

R14

Informants owning property Other  
land/housing

Owns the house but not the land

R15 R5,R6,R15 Total

#### Reference 1439 - 0.01% Coverage

a relative

R16,R17 2

UPPER PLAINES WILHEMS FINDINGS Most of the respondents own their house R1 The parents bought the land R2 Had bought where he lives R3 Got his house after Cyclone Carol. Then bought the house R4 Got his house after Cyclone Carol. Then bought the house R5 Bought his house R6 Father bought the house where she lives R7 Had bought the house where she lives R8 (./.) R9 (./.) R10 The land belongs to the family since a long time. R11 (./.) R12 Lives with the son  
R13 Had bought the house where he lives. Had a house built at Camp Caval on a plot of land he bought  
R14 Had bought his house

#### Reference 1440 - 0.01% Coverage

22

#### LOWER PLAINES WILHEMS FINDINGS

R1 when her father came back from the army, her mother took the money he had earned and bought the land and house in which they are still living today.  
R2 his parents rented houses and he has his own house. R3 she has bought the house in the cité, but is still paying for the land.  
R4 lives in a house

#### Reference 1441 - 0.01% Coverage

the owner of his house.

R6 her ancestors did not have any house. Her grandfather built a wooden house in the woods which was destroyed by Carol. She is still paying the land on which her cité house is built.  
R7 owns his house R8

#### Reference 1442 - 0.01% Coverage

are having their own house.

R10 has not inherited of land or house. She has rented a cité house for 22 years, then bought it and later sold it to buy another house.  
R11 recalls that her ancestors had land in the east. They allowed Indians to settle on to help them but they finally lost their land. She has bought a small plot of land from a family member.  
R12 parents could not save to have a plot of land. His wife's parents had land but lost it. The ancestors were not aware of the value of land. When they had too many debts, they lost their land.  
R13 parents have lost land. Now she lives in her mother's house which is hers.  
R14 is well off. He has a house which he rents and one in which he lives. He recalls that his family lost large plots of land because Médine Sugar Estate took them.  
R15 rents a house in

#### Reference 1443 - 0.01% Coverage

a house in the cité.

R16 His parents have a plot of land but no property act. He lives in his mother's house.  
Truth and Justice Commission 24 Other Land/Housing

house but not the land  
Lives with a relative  
R13

#### Reference 1444 - 0.01% Coverage

many debts for too long  
R22 Lives in her mother's house. There are 4 heirs. R24 His family lost land. He has his own house.  
R25 Won the lottery and bought land. He obtained a loan from the bank. He has built himself his house.  
His grandparents had land.  
R26 Her father bought the land and she built her own house. Table 10  
Informants owning property  
Own their

#### Reference 1445 - 0.01% Coverage

R17, R20, R22  
5 23  
14 respondents own their house. 2 own the "site" house but are still "paying for the land. 2 rent houses and  
5 live with a relative. Those who have managed to have a house are mainly situated in "site" and have  
struggled very hard to be owners. They all are aware of the importance of being a house owner.  
EAST AND SOUTH-EAST (FLACQ

#### Reference 1446 - 0.01% Coverage

##### AND GRAND-PORT DISTRICTS) FINDINGS

R1 She has a single room made up of wood and iron sheets. She claims that the land belongs to her family,  
but she doesn't have any document to prove it. In fact, the land has been sold to someone else living in the  
region of Rivière du Rempart. So officially, she doesn't own the land.  
R2 He has bought a plot of land. But actually he lives in a house made up of wood and iron sheets which  
belongs to his concubine. She expects her daughter who has studied up to form five to get a job in the civil  
service so that she can have a loan to build her house. She has spent her entire life in a "lakaz tolle" and  
hopes to stay in a concrete one before dying.  
R3 He is the owner of a concrete house, but has given it to his sons. He actually lives in the house of his  
concubine who is renting it from a Hindu. The respondent is a part-time driver for the owner of the land.  
R4 He lives in a

#### Reference 1447 - 0.01% Coverage

his mother and two sisters.  
R5 He lives in the house which his late wife inherited from her parents. Legally, he is the owner of both land  
and house.  
Truth and Justice Commission 25



#### Reference 1448 - 0.01% Coverage

in front of her house.

R7 She lives in a concrete house on a land that belong to her ancestors (Charlot Family). She has worked hard and "met sit" to save money for her house. She wanted a secured housing for her children.

R8 He lives in a concrete house on a plot of land that belonged to his family.

R9 He lives on a

#### Reference 1449 - 0.01% Coverage

that he inherited from parents.

R10 She lives in Cité Argy where she has bought the land and house from the state.

R11 He actually lives in the plot of land that belongs to his wife. He himself owns land in Quatre-Cocos.

R12 Lives on the FUEL Sugar Estate blocs. R13 Lives in a concrete house on a land inherited by his wife. R14 Lives in a concrete house on a land inherited by his wife.

All respondents own their land, except R1.

Those living in cité (R6 and R10) have bought the house and even extended the premises. The women have played an important role in saving money to buy the house and land.

Most of the respondents owned their house, having through either purchase or inheritance. Those living in cité have bought the house and even extended the premises. But some own the "cité" house but are still "paying for the land. They all are aware of the importance of being a house owner. The women have played an important role in saving money to buy the house and land.

LOWER PLAINES WILHEMS FINDINGS

R5

#### Reference 1450 - 0.01% Coverage

land.

LOWER PLAINES WILHEMS FINDINGS

R5 The land they lived on was not theirs. They lost it. Many families have lost their lands.

R8 Lost land my grandma Bhugaloo a Creole her father came from India, had land from la Louise to Bassin. It was lost.

R12 My wife parents had land but they lost. They did not care about land or had too many debts. Out of debts I could have lost my land. My children have built on that land.

R13 We have lost land from dad's in Pointe aux Piments

R14 There was Teco family who lost hundreds of arpents of land that Medine has taken from them.

R10 I know someone who has mortgaged his land for friends and it was sold to the bar and it was lost. If you have a land, you should not sell it. It's not good to rent houses all your life. It's important to have you own house.

R11 In Belvédère where I was born, my ancestors had allowed Hindus who had come from India to settle on a piece of their land. After that, these people stole their land.

R19 my mum and dad had land, but my cousins stole those lands. We also lost lands in Curepipe. Before his death my grandfather gave a land contract to one of my aunts and told her to give it to me. One of my

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#### Reference 1451 - 0.01% Coverage

##### HISTORY OF DESCENDANTS OF SLAVES

cousins stole the contract and now her sons are building houses on that land. Once my mother was called because there would be sharing of Simpson lands, she did not go.

R20 We have lost a lot of land. Creoles have lost a lot of land. My grandmother had land in Ste Croix but lost it during the racial riots in 1968.

R23 My grandma father came from India, had land from la Louise to Bassin. It was lost.

Families of 10 /25 respondents

#### Reference 1452 - 0.02% Coverage

25 respondents have lost lands.

EAST AND SOUTH-EAST (FLACQ AND GRAND-PORT DISTRICTS) FINDINGS R1 She claims that her great grandfather was given land (around 10 acres) by the owner of Sans Souci Sugar Estate as he was the guardian of the weighing Bridge. But she doesn't have any document as no one in her family ever had any document. In the past, people even used to take permission from her grandfather to grow 'filao' on the land. Her brother still lives on the plot where the bridge was found. However, some years back, the land was being sold by a "courtier" upon the request of FUEL Sugar Estate. Even the small plot of around "140 toises" where she lives with her sisters and brothers has been sold to someone living in Rivière du Rempart. She is facing a legal battle. She claims that all her generations have lived on this land. She blames FUEL Sugar Estate to sell a land that didn't belong to them. My mother has also lost her land in St Julien d'Hotman. I also know the Lamarque family who now lives in Port-Louis, who have lost 75 arpents of land, which is currently being occupied by the sugar estate.

R2 Respondent says that her grandparents had land in the eastern part of the island. But he never managed to get precise information about its location to claim it.

R3 He explains that his mother had land around St Julien d'Hotman but the land was lost with time. Respondent also explains how in the past, people use to stay on land without having any document to prove their ownership. Some did manage to get their "bordereau" to claim their land. In other cases, the sugar estate owners simply cleared bare or unoccupied lands and planted sugarcane on it. Sur to lack of financial resources, the owners never managed to claim back their lands.

I know the Tai family of Flacq who had vast portion or around 100 arpents of land in Bel Etang. The elders didn't inform the upcoming generation about this land and it became unoccupied. The sugar estate had land on each side of the Tai property. First, they built a road across the unoccupied land. Little by little they cleared further land until they became the owner as no one is claiming the land. The Aza family also faced the same. When they claimed their land, the sugar estate in return claimed for much compensation for the money they invested in the land.

R4 Respondent has shown an "affidavit" whereby his ancestor, who came from France, has left 156 arpents of land for his children. The land is found in Black River and is currently being occupied by Médine Sugar Estate. The matter has been brought in front of the TJC. There's even a family cemetery on the plot whereby tombs bear the names of Jeannot.

R5 My father-in-law has lost a land in Olivia. He had bought the land. He even has the title deed, but the sugar estate didn't allow him to claim

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#### Reference 1453 - 0.01% Coverage

##### HISTORY OF DESCENDANTS OF SLAVES

the land. I have handed the contract to the notary. My lawyer told me to give up even though I paid him Rs. 3000.

R6 I have a land which stretches from Trou D'eau Douce till Palmar, but "tablisma" had planted sugarcane on it. I even had my all my documents.

R7 My family, the Charlots had lots of land, but the sugar estate has grown sugarcane on it. They were too careless "contant manzé boire" ('love to eat and drink, i.e. enjoying themselves') The Whites took away the land.

R10 My mother has lost her land in Komason. My father in law lost his land in Carreau Banane. They were too focussed in enjoyment. For Rs. 45 and a "farata, currybanana ek curry coq", they lost two 'arpents' of land.

R11 In Camp Marcelin, there was much land that belonged to Creoles. But the sugar estates have taken the land from them.

9 respondents claim to have lost land. In most cases, the sugar estate owners have cultivated sugarcane on these lands. Due to lack of education and financial resources, they haven't managed to get back their land. According to them, the whites are financially too strong to fight against. It a "David vs Goliath" situation. Justice is too expensive to afford and with growing age the respondents have even grown weaker.

The surface of the land that was lost is very important ones. Had the respondents still owned them today, this would certainly have been an excellent way to better their future and overcome their poverty. Hence, these losses of land have deprived slave descendants from the opportunity of social mobility.

Research also reveals that slave descendants were given land without any document to prove ownership. With time, they simply had no document to prove that they own the land which was being sold. Some respondents also blame the 'manzé-boire' attitude as well as lack of education of their grandparents for the lost of land.

##### WEST AND SOUTH-WEST (BLACK

#### Reference 1454 - 0.01% Coverage

##### RIVER AND SAVANNE DISTRICTS) FINDINGS

The issue of land dispossession was also raised in the interviews with almost all the informants pointing out that the slave descendants lost their land. They were dispossessed of their land because they were illiterate and these injustices have to be repaired. The relationship of the latter with land is not solely practical (such as for economic reasons) and physical but also symbolical as indicated by Elizabeth for whom land is not physically important but the symbolism of the land is important because she remembers the sufferings of her ancestors on that land. She does not have any physical attachment to the land and does not want to go back on the land where she was born and where her ancestors lived. But many young people are claiming back the land which was not theirs and which neither belonged to their ancestors. They do not understand the importance of the symbolism of that land.

##### GENERAL RESEARCH FINDINGS

Almost all

#### Reference 1455 - 0.01% Coverage

that land.

## GENERAL RESEARCH FINDINGS

Almost all the informants pointing out that their family have lost their land, either to the sugar estates or to members of other ethnic group or more rarely to their own kins. They were disposed of their land because they were illiterate and these injustices have to be repaired. If land had been lost, it's because «dimounn finn anbet zot» and also because they were illiterate, or negligence. The surface of the land that was lost is very important ones. The surface of the land that was lost is very important. Had the respondents still owned them today, this would certainly have been an excellent way to better their future and overcome their poverty. Hence, these losses of land have deprived them from the opportunity of social mobility.

Some claim to have title

### Reference 1456 - 0.01% Coverage

slavery in the school curriculum.

We should distinguish between slavery and slave ancestry for according to Shirley following mixed relationships the notion of pure descendants of slaves is erroneous and with evolution there is a need to remember and preserve the memory of slavery and slave origins. Moreover, for almost all informants, the question of being or not of slave descent is a political discourse and is no more the key issue. Chris stated that it is time to stop talking of slave ancestry and to start considering reparation for the damage and wrong caused to descendants of slaves who were dispossessed of their land and have since been oppressed. Instead of giving money to the descendant of slaves, there are other means to improve their life such as improving.

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### Reference 1457 - 0.01% Coverage

of commerce, no economic centre.

R6 There are still many families from slave ancestry who don't even have a house today. Indians came for sugar cane field work and they had priority to have lands. Creoles were left behind. They struggled but had nothing and still have nothing. Creoles are those who don't have houses. The land they lived on was not theirs. They lost it. Many families have lost their lands. We must do research. I have moved 14 times in my life because of cyclones. Today I have a small cité house. Mother bought it after cyclone Gervaise. I have lived in that house for 33 years, but we don't possess it fully because we are still paying for the land. There were 80 houses; these were the first houses to be built after Gervaise (Lakaz letaz - Storeyed House). It was a "sample". People have become owners of their houses 50 years after Carol. Housing is a serious problem. Some children cannot buy land, it is too expensive. And there are too many people on the list.

R9 Slavery had an impact

### Reference 1458 - 0.01% Coverage

others. Other communities do that.

R12 and R13: Poverty is a consequence of slavery. R16 As slave descendants, we have inherited nothing, no land, no economic

power. 80% of land belongs to white people. Indians are organized since 1913; they had experience in economic development. Creoles did not have that experience. They were destitute.

R14 Consequences are hard – My

#### Reference 1459 - 0.01% Coverage

##### RIVER AND SAVANNE DISTRICT) FINDINGS

When questioned on the legacy of slaves, the informants mentioned a form of 'couillonisme' (English. Translation Idiocy) and arrogance that the descendant of slaves have inherited from their ancestors and that they perpetuate. For them the Creoles are individualist and "pernickety" such as R6 talked of how there was and there is still cohesion among the Indo-Mauritians who value the importance of education and saving for tomorrow whereas the Creoles are not land owners because they sold their land. The latter are not far sighted and do not have the 'brains' to plan for future generations. Presentism is a philosophy of life that the Creoles (referring to the Creoles as descendant of slaves) have adopted. This philosophical approach to life is a generational transmission that dates back to slavery, when at the abolition of slavery the emancipated slaves adopted a hedonist lifestyle and did not regroup but were divided.

Moreover, based on R15 testimony, there is a generational transmission of jobs which is as well a legacy of slavery. The Indian indentured labourers did not come as slaves but to cultivate land and subsequently their descendants remained in agriculture while the Blacks work mainly in the construction industry as labourers and stone masons.

'...Et plus de Créoles, de

#### Reference 1460 - 0.01% Coverage

##### HISTORY OF DESCENDANTS OF SLAVES

land, they learnt with their father, things like cultivating land and those who are through generations in construction, or maybe schooling failures that bring you there...)

All the people interviewed stressed

#### Reference 1461 - 0.01% Coverage

##### RIVIÈRE DU REMPART DISTRICTS) FINDINGS

The informants recognised the contribution of the slaves and their descendants to the development and to the future of the island. For example R1 mentioned that the slaves did not only contribute to the construction of churches but she also believes that they gave the land in Saint Croix for the grave of Father Laval. They were hard workers, carrying heavy loads in the sugar cane plantations. The informants pointed out that they were the ones who developed the sugar cane plantations in the country such as R3 stressed that the history of the sugar industry is closely related to the history of slavery:

'...Anfin mwa seki mo'nn tande

#### Reference 1462 - 0.01% Coverage

of expression against the government.

There is a common perception that when the slaves came to Mauritius they had no culture as if they left their cultural traditions and practices in their mother land and cultural milieus, that they forgot all of their cultural customs and values when they landed in Mauritius and hence that they lived in a vacuum without any cultural marks. For example, Pierre stated that many slave descendants do not have a culture and do

not know their culture. It seems that people have difficulties to conceive that slaves were cultural bearers and when they came to Mauritius they formed cultural units. They had to culturally adapt to communicate and survive. There were cultural exchanges and a syncretism of cultural elements to form common cultural practices shared by all such as the Creole language to communicate, the Sega dance as a communication medium and also traditional medicine as healing practices. From this blending of traditions and practices, new cultural forms emerged that over time evolved and changed for survival under modified forms. The slaves came from various regions of Africa and that is why according to R3 Creoles now are underprivileged and face so many problems because they do not have a homogeneous culture.

GENERAL FINDINGS FOR H, I

#### Reference 1463 - 0.01% Coverage

and building, woodwork and carpentry.

From everything that was said during the interviews, the contribution of Creole women has been underlined and it is tremendous. Women are in the forefront when it comes to acquiring land and houses, to provide for the basic needs of children, to make sure (as best they can) that their children get education.

Their contribution is also very

#### Reference 1464 - 0.01% Coverage

I live in a cité.

R16 70% of Creoles live in cités because they don't own land. It's the way these cités have been built which is not good. Cité Trèfles was built in 1985; for 5 years you did not have water. It's in 1990 that they built a football playground. Cité Mallory is known as "Cité Mal nourris". I personally would not want to live in a cité because of the lack of space.

R19 Poor people who have

#### Reference 1465 - 0.01% Coverage

##### RIVER AND SAVANNE DISTRICTS) FINDINGS

The interviews made apparent that in Mauritius to succeed people need to be wealthy and that there are still people who work for 250 rupees for a day's work starting at 6 hrs 30 to 16 hrs. Discrimination, inferiority and superiority views and values are based on occupation, skin colour and name. The Indians and Chinese were abusive and manipulative with them. One of the reasons put forward for the over-representation of Creoles descendant of slaves in absolute and relative poverty is because when freed the slaves received no training and no education and were dispossessed of their land because they were illiterate and not long sighted and were deceived financially.

For example, Shirley's family had a plot of land in Piton which they lost and for Gabriel, the descendants of slaves are still trapped in the vicious circle of poverty as they are still being discriminated against, negatively stereotyped, victimised and considered as being inferior.

All the informants mentioned All

#### Reference 1466 - 0.01% Coverage

## RIVIÈRE DU REMPART DISTRICTS) FINDINGS

1. For generations R1 family has been working for a sugar estate located in the north of the island. Her maternal grandmother and her great grandfather on her father's side and her mother were sirdars (English. Translation: overseer). She explained that the sardars were Creoles and Indians (referring to IndoMauritians) while the colomb (Eng. Trans.: overseer) were the Whites or Mulattos that were the proprietors of the estate. She testified that during her grandmother's period, the supervisors used to give instructions to the sardar to beat the labourers but when her mother was a sirdarine (Eng. Trans. Female overseer) they did not ill-treat the labourers. Her parents also told her that her great grandfather's supervisor beat him to death and to buy his silence the colomb gave him a plot of land on which her cousins are living now.

2. When questioned on the

### Reference 1467 - 0.01% Coverage

see the Creoles joining together

R23 That everyone lives in a land of peace

R24 « Tir sa mo esklav

### Reference 1468 - 0.01% Coverage

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### Reference 1469 - 0.01% Coverage

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5. CONTEMPORARY CITÉ LA MIVOIE

### Reference 1470 - 0.01% Coverage

List of Figures Charts: Chart 7: Land Transactions among the main estate owners in the Black River Region  
Chart 8: Residential and Partly

#### Reference 1471 - 0.01% Coverage

##### MIVOIE 3. BRIEF HISTORICAL BACKGROUND

Black River was commonly perceived as being a land of predilection for the maroon slaves and as being inhabited by Mauritian of Afro-Malagasy origins that, subsequently, led to its exclusion and marginalisation by the colonial and postcolonial society. The socioeconomic conditions of northern and southern Black River differed and after emancipation the district experienced demographic changes:

The Northern part benefitting from

#### Reference 1472 - 0.01% Coverage

of the Census of Mauritius

The population of Indian origins in the Black River region came essentially from Madras and Calcutta and the men outnumbered the women. Some of them were living on estate land while others were not living on Sugar Estates (Tables 2 and Table 3).

6,831

10,091 17

#### Reference 1473 - 0.01% Coverage

established and people share information.

Spatial and land problems and high population density in the Cité are currently negatively affecting social cohesion. These problems have become 'grafted onto' long-standing social and economic problems and consequently social unity is threatened.

These family tensions, as well

#### Reference 1474 - 0.01% Coverage

the weight of these changes.

For example, one main negative outcome is that they are denied access to the mountain and land for small-scale farming because it is private property as testified by Varnanaden Veerapen ...Ti enn terin lagrikultur sa zordi terin la inn konverti...pe morsel pe cande...18 (Eng. trans. It was an agricultural land. Now they converted the land...it is being divided and sold).

The recent residential developments and

#### Reference 1475 - 0.01% Coverage



and wild boar for meat.

Before, 1960, the local inhabitants cultivated gardens and reared cattle on the surrounding plots of land and especially on the mountain. Their daily meals were composed of fish and vegetables, supplemented with meat. Venison, hedgehog and wild boar are still very much appreciated whereas monkey is rare. This abundant wildlife ensured inhabitants did not suffer from starvation.

In line with Teelock (1998

#### Reference 1476 - 0.01% Coverage

their laundry in the river.

The appropriation of the surrounding natural waterways and of the mountain transformed these natural features into domestic spaces for the local residents. The use of natural landscape by the inhabitants includes farming land, residential places (where the camps were located) and laundry places.

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#### Reference 1477 - 0.01% Coverage

inn al mor la...24

(Eng. trans:...there was a cattle-breeding land, yes, uphill, then there were camps over there. There were camps, there is a river there, there is a stream flowing there, people named it Michel bridge...Michel bridge, because there was a boy named Michel...he came from downhill, from the village, there was Sega. Long ago people used to organise Sega nights, the elders used to do Typical Sega, when he came back, I think he was thirsty, [when he reached the bridge] we bent down to drink water. When he bent down to drink water, he fell in the river. When his mother, who lived uphill there, came in the morning to fetch water, she saw someone. When she looked attentively, she said, it is my son's clothing, she found out that her son was dead...)

Cattle Road). This place is

#### Reference 1478 - 0.01% Coverage

Dharma (Eng. trans. Canal Dharma):

It was located on Mr. De Senneville land inside Black River Gorges and there were Bombaye (from Maharashtra) living there. It was named after a Bombaye named Dharma. (See Chapter Social Survey)

7. Another washing place was

#### Reference 1479 - 0.01% Coverage

CAMP CITÉ: LA MIVOIE • Laveret:

It was on Mr. De Senneville land near the tobacco plantation. According to Antonio, a man named Robert Deline, who worked as watchman, used to live there.

...Saem dan kote sase li

#### Reference 1480 - 0.01% Coverage

#### SLAVE CAMP CITÉ: LA MIVOIE

Cut Soil or Land), Plato Remous (Eng. trans. Plateau Remous) and Brize Nik Mous (Eng. trans. Brisé Fly Nest) which according to Olivier are located on Tamarin Estate.

...Plato Remous se kan ou

#### Reference 1481 - 0.01% Coverage

considers as unacceptable social behaviour.

Problems of land and space in the Cité are exacerbating these tensions as residents who were living on Li Mo Yo's land will soon be evicted and they need to find a new place.

...me parfw kreol la si

#### Reference 1482 - 0.01% Coverage

##### AND FAMILY PATTERNS Family Patterns

In Cité La Mivoie, ambilocal<sup>46</sup> residence patterns have been identified whereby couples tend to establish their home either at the bride's or the groom's relatives' residence. They either build an individual housing unit on the same plot of land or live within the same housing unit depending on disposable space. For example, Jasmine Lalouette and her husband live with her mother and Nicole Papeche used to live with her uncle.

In fact, in the aftermath of the current economic turmoil and social crisis that led to an upsurge in land and housing prices, young couples cannot afford to buy or even rent a house or apartment and thus are compelled to live at their parent's or in-laws homes.

One of the social outcomes

#### Reference 1483 - 0.01% Coverage

to marry within the region.

Oral history revealed that before the 1960s, the bulk of the population was living in the various kan (Eng. trans. Camps) on the surrounding estate land namely the estates of the Maurel Family that was divided and sold in the 1960s to the Lagesse Family, De Senneville Family, De Maroussem Family and Ramdenée Family. However, it was not possible to consult the deeds of sales to have details of the land transactions such as chronology of the sales and acres of the concession sold because of lack of time. Hence, I relied on the oral testimonies to retrace the spatial configurations. Therefore, discrepancies might have arisen because of memory distortion.

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#### Reference 1484 - 0.01% Coverage

Petite Rivière Noire to Tamarin.

The Maurel Family divided their concession that they sold to Philip Lagesse with his estate extending from Bwa Pian to La Mivoie; De Ravel Family that owns land from Petite Rivière Noire to Bois Piant and the Salin Carlos; and Maingard Family that possess the Mountain La Tourelle du Tamarin to Tamarin Village.

Later, Philippe Lagesse sold his

#### Reference 1485 - 0.01% Coverage

mountain until St Augustin Church.

Marcel De Maroussem sold his property to Joseph De Senneville who converted his land into hunting grounds. Oliver was working for him as watchman from the age of 45 and now he is retired.

According to Moutou (2001, p

#### Reference 1486 - 0.01% Coverage

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VOL 3: PART I – SLAVERY - FROM SLAVE CAMP CITÉ: LA MIVOIE Chart 6 Land Transactions among the main estate owners in the Black River Region 1. Maurel's Property

Oral history discloses that, apparently

#### Reference 1487 - 0.01% Coverage

a la salinn Pilot...66

(Eng. trans:...It is just before the church on the left there De Ravel land start...yes, Chapel Fatima is located on De Ravel land. So De Ravel where his land starts? There where the is the Chapel?...Yes...because when we see carefully there is a road just [for] De Ravel...they inhabitants of ilot Fortiers use this road, because on this side you have a fence for De

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#### Reference 1488 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

Ravel...But De Ravel's land is on the roadside, a little on roadside, further inside there is land that belongs to the Pilot salt-pan...)

Recently the De Ravel Family67

#### Reference 1489 - 0.01% Coverage

only one to live there.

As from the place named Bois Piant, when going towards the North, the property on the left side of the main road is divided into two parts. The land that is on the sea border is for the Pilot/Koenig family and the land on the road border is for the De Ravel Family.

3. Hardy's Property

It is

#### Reference 1490 - 0.01% Coverage

Ravel Family.

### 3. Hardy's Property

It is located on the right side of the main road in Petite Rivière Noire. The Church of Petite Rivière Noir is located on Hardy's land. Part of the hunting land was converted into residential land such as Morcellement Multipliant that was built eight years ago.

### 4. Pilot/Koenig Salt-pan

## Reference 1491 - 0.01% Coverage

Noire for Société E.Antelme.

Nicole testified that the great grandmother Mrs. Koenig had many children approximately twelve to nineteen descendants. When the great grandparents died, Ilot Fortier was divided between each child but later on, some of them sold the land they inherited. Presently there are three Koenig daughters still living on the island namely Mrs Colin, Mrs Leclezio and Mrs Adam.

### 5. De Senneville Property

When

## Reference 1492 - 0.01% Coverage

sold, sold [to] De Senneville...)

According to Nicole, the Maurel Family sold the land to the De Senneville who used his property as hunting ground. Part of the hunting ground was converted into residential land. A Morcellement was constructed in-front of Paolen Industry on the location of the Aloes Mill.

### 6. Ramedenee Property

Ramedenee Family

## Reference 1493 - 0.01% Coverage

Aloes Mill.

### 6. Ramedenee Property

Ramedenee Family estate started after the De Senneville property, after the Tamarind tree named Tamarin Lapel. According to Nicole, Mr. Ramedenee bought land from Mr. De Maroussem around 1970 and in around 2005, he divided and sold his land for residential development and built Morcellement Les Filature. ...donk en 1960, Ramedenee pa

## Reference 1494 - 0.01% Coverage

in longères (Eng.trans. Longhouse).

The term kan refers to residential localities made of lakaz kaka vas or lakaz lapay (Eng.trans. Straw houses built with cow dung) and were composed either of extended family members living on the same plot of land or of people of the same ethnic group regrouped on a particular site. These people were working for a particular employer and thus camps were usually located on plantations owned mainly by Franco-Mauritians. (See cultural map attached)

Kan is a geographical entity

#### Reference 1495 - 0.01% Coverage

family' crossing religio-ethnic barriers.

The Labour Ordinance of 1922 provided that estate owners had to provide housing facilities to the labourers employed on estates. In keeping with the testimonies, this practice continued beyond the the abolition of the indenture system in and were incentives for people from neighbouring regions such as a Cascavelle and Henrietta and sometimes as far as urban regions to come and work for the estates. The main incentives mentioned in the interviews were wood to construct houses, plot of land to farm and the possibility to have their own gardens for subsistence.

From the oral testimonies gathered

#### Reference 1496 - 0.01% Coverage

the testimonies:

1. Kan Kadoc<sup>71</sup>

It was located on private land at the south end of the Salin Pilot/Koenig near a pond. There were Creoles, Hindi speaking and Marathi-speaking people who used to live there.

Emilienne mentioned that a man

#### Reference 1497 - 0.01% Coverage

Kan Dharma or Brize Dharma:

It was located on the estate land of Mr. De Senneville. It was named after a man named Mr. Dharma who used to live there.

...Donk ti ena apre ti

#### Reference 1498 - 0.01% Coverage

Senneville side...)

3. Kan Listo:

It was also located on the estate land of Mr. Ramdenée near College Saint Esprit and the Village Bougainvilliers. According to Antonio, there was a public tap in front of the camp.

Unfortunately, because of lack of

#### Reference 1499 - 0.01% Coverage

Esprit

College moved there, because

potteries...When I started to work in the wood then I learnt that this land is for De Senneville, but I did not before for who the land was. There were big Cassis trees inland, because I learnt that when I made charcoal there, when I started to dig the soil, [saw] broken pieces of porcelain...)

Photo 7 Location of Kan

#### Reference 1500 - 0.01% Coverage

Disabl (Eng.trans. Sand Camp):

It was located behind the shop named Li Mo Yo and was on the estate land of the Maurel Family. Cité La Mivoie was constructed on the site of Kan Disabl. It was composed of approximately three to five families namely the Faron Family, Auguste Family, Louise Family and Joseph Family that were living there and were working for the estate.

...Me pa ti ena bann

#### Reference 1501 - 0.01% Coverage

LaMivoie/11May2010 11. Kan Diosez:

It was located at the north entrance of the village. Nicole knew people who have lived there for approximately 40 years and in the eighties then were displaced in longhouses near the cemetery and other in the Cité when the church, apparently, sold the land.

...kan Diosez, li ti koumans

#### Reference 1502 - 0.01% Coverage

kapav en 80-82...82

(Eng. trans:...Diocese started from Manorama<sup>83</sup> there and spreads up there. Yes. Towards the mountain? Yes. Towards the mountain. Part was woody, another part people were squatting. They built houses and stayed, there a people who stayed there for a long period. And later finally it was sold, when it was sold people who stayed there, they had no place. Finally a longhouse was built...was built over-there near the cemetery, for the people to stay before building the houses in Tamariniers. But Diocese Camp was on whose land? Diocese Camp! Me I know that the land was for the Diocese...Afterwards I do not know. I do know who sold it. But which year the Diocese Camp [existed]? Aah...long time that people I know people who stayed there for 40 years. But which year Diocese no-more existed?.It might be in 80-82)

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#### Reference 1503 - 0.01% Coverage

the actual location of Caredas.

The spaces identified are symbolic in that, for the respondents, they are symbolical representations of past life when land was conceived as an open public space. Before land was divided into morcellement (residential developments) the latter had not, yet, gained consciousness of the notions of private landownership and private propertyship.

It transpires from the interviews that, until the landowners erected walls and bared wires (visible signs of property delimitations), the villagers were not conscious of the fact that land (including land lying fallow) was already conceded (it was already divided in 18th century) and that they were

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#### Reference 1504 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

allowed to live there because either they were working for the estate or were squatters or had beneficial occupancy. It is only now that the owners are developing their land.

Today barbed wires and concrete

#### Reference 1505 - 0.01% Coverage

PH 11/P/LaMivoie/19May2010

They feel that their freedom of movement is being violated. They do not understand how it is that nou montagn (Eng.trans. Our mountain) nou la plaz (Eng.trans. Our sea) have been privatised when this land belongs to all Mauritians.

In fact, in the past

#### Reference 1506 - 0.01% Coverage

considered as the founding families.

The Cité was built on the site of Kan Disabl in 1960 after Mr. Maurel either sold the land or gave the land to the government.<sup>95</sup> The descendants of Mr. Maurel have refused to be interviewed.

...Donk seki ou apel aster

#### Reference 1507 - 0.01% Coverage

Carol 1960 dapre mwa...<sup>96</sup>

(Eng. trans:...So what you name now Cité La Mivoie, Cité Rivière Noire, it was on Maurel land then? The government bought this plot of land from Maurel or he gave I do not know. I heard that from everyone. Whether was bought or given I do not know. So which year he sold it? After Cyclone Carol in 1960 I think...) It is not clear whether

#### Reference 1508 - 0.01% Coverage

far far...)

Second settlement movement:

As stipulated in Section 26 of the CHA Ordinance No. 32 of 1960, a person who is granted a lease of a portion of Crown Land for occupying a building erected thereon in pursuance of a Cyclone Housing Scheme, the lease shall be registered.

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#### Reference 1509 - 0.01% Coverage

term not exceeding six months.

For example, Mr. Varnanaden Veerapen mentioned that long ago Sime La Jetée (Eng.trans. Jetty Road) was an orchard that belonged to Mr. Lenferna or Mr. Rey Lenferna. People who worked for the family lived on this plot of land like his father who worked as Family cook.

When Mr. Lenfena divided his land, to build villas for sales on the left side of the road (known as La Balise), the former residents who could not afford to buy land were delocalised in the Cité. Those who had financial means especially the Marathi-speaking residents bought land such as Varnanaden's father.

The descendants of some of

#### Reference 1510 - 0.01% Coverage

lives in Baie-du-Cap.

Thus Cité La Mivoie used to be composed of fifty families with each family having an individual housing unit and plot of land. The number of residents amounted to approximately 500 people. Today there are five families related to each other living on the same plot of land either in the same housing unit or in individual housing units. (See Appendix 4)

The actual Cité population has

#### Reference 1511 - 0.01% Coverage

dir tou letan ler...99

(Eng. Trans.:...But afterwards if someone got land, it is easy, he works he builds a house on it. But if he has land this is a great thing. [You] understand but now he needs to improve his life, he works and build a house, he has a concrete house for him...How would I tell you, maybe there are many who are not interested in progressing in life. All the time they wait...)

Photo 14 House of Jasmine

#### Reference 1512 - 0.01% Coverage

Colonel Dean). (See Appendix 6)

In the collective mind the spatial delimitation of the Cité extends to Sime La Jetée (which is after Sime 4 saison) because of its proximity with the housing estate. However, as we shall see later in the report, land along Sime La Jetée is private land and the living conditions of these landowners are different from that of the Cité dwellers.

The CHA houses varied from

#### Reference 1513 - 0.01% Coverage

her plot of

ons settling

ngle units on ly small. Fo land.

e, 2000. Housi M ng



#### Reference 1514 - 0.01% Coverage

changing with and did not  
houses a or to build in the same plot of land which results people can afford to build on sites with his wife  
visible separations. Domestic or In

#### Reference 1515 - 0.01% Coverage

civil society and of resources.  
4.10 LAND Property ownership  
Under Section 28 of the

#### Reference 1516 - 0.01% Coverage

approximately 23 rupees in 1962.  
Others like Mrs Sookoo mentioned that when they settled in the Cité in 1967, there were no Hindi-speaking  
Indo Mauritians. They registered for a CHA house and paid a monthly lease of 24 rupees for the land and  
house, then 12 rupees per month and in 1982 under the governance of Paul Bérenger the rent was increased  
to 48 rupees per month.  
Julien Albert stated that in

#### Reference 1517 - 0.01% Coverage

renovate nor extend their house.  
While some of them are still tenants, others like Mrs Sookoo became house-owners in around 1989. She  
bought her house for approximately 5,000 rupees and, in 2008; she became landowner and purchased the  
land for approximately 4,000 rupees.  
Renaud Louis also is a property owner. According to Emilienne, her concubine registered the house and land  
on his name only which implies that he is the sole owner of the property. In 1989, she bought the house for  
500 rupees and they paid 4,000 rupees to become landowner in 2008. The land surveying cost 1,750 rupees  
and they paid 200 hundred rupees for two witnesses.  
According to Devi in 2009

#### Reference 1518 - 0.01% Coverage

and succeed. But not all...)  
Notwithstanding some residents are conscious of the importance of being a property owner, there are some  
people who have not yet gained this consciousness and others for whom access to land is utopia.  
Albeit the purchasing value of the house and land were low cost and seemed rather symbolic, yet, there are  
still people who are property-less because either they do not have the financial means to buy a property or  
there are inheritance problems resulting from ambilocal residence patterns. For example, Nicole is not  
property owner.  
...Me terin? Ou proprieter terin

#### Reference 1519 - 0.01% Coverage

pers 4 pers sa...108

(Eng. trans:...But land? You owner? Land now I have to start proceedings but they are long because of paper now I'm going to buy land. So all that time you were paying bail it is Crown Land? Yes. How much you pay government monthly? Each year I pay...250 rupees. How much the government is selling land? 10,000 rupees. 10,000 rupees? No 2,000 rupees...Ah ok 2,000 rupee. 2,000 rupees but like me I have notary fees since I have brothers sisters [have] affidavit. What is the area for 2,000 rupees? Which dimension? 5 perches no not 5 perches it is 4 perches ...)

It is too easy to

#### Reference 1520 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

patterns, they are house owners but not land owners as illustrated by the family trees of Jean Jacques and Louis Regis Thousand and of the family tree of Louis Horace Albert. (See Appendix 4)

In their conceptualisation of space, since for generations their family has lived on this plot of land and since they are not homeless, they consider themselves as being owners of the land on which they have constructed their house or on which they are living. In fact, this conceptualisation is derived from a collectivist approach, in other words, from their relation to the group and from the self-configuration and self-representation of their relation the space.

In fact, interdependency characterises Cité La Mivoie whereby the local residents are connected and interdependent. In this web of connections and interrelations, land is a shared and a common space that belongs to the Cité. However, given that the Cité does not exist in a vacuum and functions within a macro-system, the legal characterisation of land rooted in western individualistic terms is influencing the local conceptualisation and relation to land. In Contemporary Mauritius, the local residents are facing property ownership problems that are exacerbated by the present social and economic crisis.

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#### Reference 1521 - 0.01% Coverage

social, health and nutritional needs.

For them, purchasing land is beyond their financial means. The low-income earners bear the burden of land speculation and increasing land value that deprive them of their entitlement to be property owners. They cannot afford to purchase either land or an apartment that they conceive as luxury assets. For them to be a property owner is a utopia.

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#### Reference 1522 - 0.01% Coverage

to adopt ambilocal residence patterns.

Equitable land distribution and access and enjoyment of full rights of property ownership are not being practised nor promoted with land being concentrated in the hands of wealthy people and the land market practices restricting access to property ownership to the low and middle income earners which implies that

the latter's rights and opportunities to occupy and utilise land are being denied and infringed. They are considered as an insignificant market as they have limited or no spending power.

Such discriminatory practices are not contemporary practices and date back to colonial times when the colons were allocated large concessions that, were passed on to their descendants. It can be said that in post-colonial Mauritius and until now, discriminatory land practices are maintained and given the present local social, topographic and economic profile, such practices are deemed to be perpetuated.

Consequently, the latter are being

#### Reference 1523 - 0.01% Coverage

Quan (2006, p.3) stated:

...Land is a capital asset offering opportunities for social and economic empowerment and thereby a springboard from which to escape from poverty. Secure rights to land are a basis for shelter, for access to services and for civic and political participation; they can also provide a source of financial security furnishing collateral to raise credit, as a transferable asset which can be sold, rented out... mortgaged, loaned or bequeathed. Moreover secure access to land creates incentives for the user to invest labour and other resources in it so as to maintain its value and sustain its productivity, and allow the user access to social and economic development opportunities.

In line with Carter (cited in Quan 2006, p.2003) 'equitable land access forms a sine qua non with up-ward social mobility, wealth creation, equitable wealth distribution and improvement of standard of living. There is a positive correlation between poverty reduction and land access as well as enjoyment of full rights of property ownership. They benefit household income gains, food security and serve as a safety net with investment effects whereby land assets provide a buffer against external shocks and frees up resources for investment e.g. in children's education; and the dynamic income distribution effects of more equitable land distribution across society.'

The low-income earners and

#### Reference 1524 - 0.01% Coverage

Cité La Mivoie are enduring

discriminatory land practices with land promoters targeting solely the wealthy classes – foreigners and high-income earners – materialised in the recent and upcoming luxurious residential developments such as Plantation Marguery, Les Salines Mont Calm in La Preneuse, Morcellement La Filature on Ramdane Estate. With the exception of, Village

#### Reference 1525 - 0.01% Coverage

forthcoming morcellement for the inhabitants

Facing lack of access to tenured land of individual plots of land and prejudicial land practices to the detriment of the already vulnerable groups, the local inhabitants have no other choices than to squat others land.

Illegal land occupation

As illustrated on the site map of La Mivoie Housing Estate, there is a private land belonging to the Li Mo Yo Family crossing the Cité. The respondents testified that for approximately 10 years about nine families

namely the Jean Pierre, Joseph, Gentile and Moootoo (or Moutou) families have been squatting this land. (See Appendix 6)

...mo pa kone kouma linn

#### Reference 1526 - 0.01% Coverage

a pe pre la...110

(Eng. trans:...I do not know how he bought this land this part...is stuck I do not know how he bought this land how he did whether he separated [it] how do not know how they did that then the landowner is saying that this part is on his land...having big problem with the families...since long then have been staying. They...its about 20 years it's about more than 10 years...about 10 years...the Chinese is saying that his land reaches there...I am saying about 15 years...)

The site number 3 of 286 m<sup>2</sup> and number 4 of 303 m<sup>2</sup> were allotted to the Joseph family and Jean Pierre family respectively and through generations they have been living on the same land. However, family expansion coupled with lack of space, they constructed on the Li Mo Yo land and have been illegally occupying this land for generations.

For the squatters since, on one hand, the land was left uninhabited and was used as dumping ground and, on the other hand, there was a problem of space in the Cité, it was 'normal' for them to occupy this land. They were facing space problems and for them squatting this readily available and unoccupied space was the practical solution to their problem.

Furthermore, it seems that there were no visible delimitations indicating it was private property such as the land was not fenced and there was no sign that trespassing was forbidden. In their spatial conceptualisation, this land was part of the Cité and belonged to the collectivity. They appropriated this land.

Even if they were conscious of the illegal nature of their actions (taking possession of a property), their right to housing and having a shelter overrode other legal concerns. But, the Li Mo Yo family has currently lodged a case in court to get back their land and the squatters will be expelled. Given their limited financial means to buy and even rent a housing unit, some of them have no other choices than to build a unit adjacent to their relatives' residence in the Cité.

These housing and land problems are one of the causal factors of tensions between families with some claiming the ownership of other's land. In addition, some residents have difficulties accessing their residence because others have built their house beside theirs and the latter do not grant passage to the former.

The high population density in

#### Reference 1527 - 0.01% Coverage

generations settling in the Cité.

##### Land Dispossession

Field research uncovered cases of land dispossession by some of the local estate owners and some residents even mentioned that these dispossessions were made possible with the support of local authorities and politicians.

However, these testimonies should be

#### Reference 1528 - 0.01% Coverage

verify and affirm these allegations.

The Cité dwellers identified two local families namely, the Colfir Family and Maison Rouge Family that were dispossessed of their land by the Maingard Family.

... ti ena enn fami Jany

#### Reference 1529 - 0.01% Coverage

demars, apre inn arete...111

(Eng. trans:...there was the Jany Family living there...that is what you were telling me. But this land was for whom, on the right side of the road, near Ruiseau Creole, it was for whom? They say for Maingard. For Maingard? For Maingard, but me I know that there was a man who

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#### Reference 1530 - 0.01% Coverage

their proceedings afterwards they stopped...)

According to Julien Albert, his grandfather on his mother's side, Joseph Plumedor Colfir, used to work for the Maurel family and as payment for service rendered, Mr. Maurel gave him a plot of land at the foot of La Tourelle du Tamarin Mountain. His great grandfather passed on the land to his mother Suzanne Colfir.

However, afterwards, Mr. Didier Maingard removed the four land markers and took possession of their land and Morcellement Les Tamariniers was built on the plot of land. Since they lost their papers during Cyclone Carol, they cannot claim back their land but Julien mentioned possessing a map showing the location of their plot of land.

...be terin la, kouma mo

#### Reference 1531 - 0.01% Coverage

pou kontign la rout...112

(Eng. trans:...but the land how will I explain to you it is a little about history. You hear land is for Maingard, you hear that land is for Colfir, you hear that land is for government. But to know who exactly is landowner. Ok. So no-one knows to whom exactly Cité Tamarinier is? No. To whom it was before? No. What I know, recently before the construction...Cité Tamarinier there was the Colfir Family, that undertook proceedings to get this land. But maybe the proceedings were too long, that they could not continue and abandoned, there were papers missing to continue...)

The history of these 'dispossessed

#### Reference 1532 - 0.01% Coverage

not know the detailed story.

Even if the Colfir Family did not undertake legal actions to claim their land, for these people, the individual memories of their lost land somewhat contribute to distinguish them from the others who are not landowners. This land is symbolic for the family members as it represents the life they could have lived such as better housing and living conditions and the status and facilities that people enjoy when being property owner.

In view of the fact that distribution of individual plots of land to slaves for farming activities was common practice in the later years of slavery<sup>113</sup> a question can be raised, were these families really landowners or was the land under usufruct and with time and attachment to the land, the descendants of these families appropriated it or conceived the land as being theirs?

Indeed, in line with Teelock (1998, p.171), such scenario was feared by the slave-owners who 'were apprehensive about giving slaves land to farm individually in the eventuality that they begin not only to develop a certain amount of economic independence but worse, in the planter's mind, begin to look upon the land as their own.'

Therefore, these alleged cases of land dispossession remain to be investigated to determine whether or not these families were actually disposed of their land and in instances that they were not the real owners, it is of utmost importance to understand the wherefore of their belief of having been disposed.

However, whether or not they were really dispossessed of their land, these stories of dispossession have a symbolical function for the local residents such as they represent the power struggle between the elite who have power, in this context, the Franco-Mauritians and the Creoles who have limited or no power. It reminds them of how the Creoles were and are still victims of prejudices and discriminated against. It can be said that the stories on land dispossession form part of the local legend.

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#### Reference 1533 - 0.01% Coverage

##### SLAVE CAMP CITÉ: LA MIVOIE

These families were and are still victims of exclusion caused by structural social inequalities, inheritance constraints, historical nepotism and ineffective and expensive land administrations systems. It is the duty of the government to secure tenure of the vulnerable groups and provide reparation to the victims of discriminatory land practices.

##### 4.7 Social conditions

The

#### Reference 1534 - 0.01% Coverage

traditional beliefs, values and practices.

Even though the Slaves Savings Bank existed and the apprentices bought land, the reasons put forward by Shirley why their ancestors lost their land are: lack of knowledge, training, and financial literacy, ignorance, illiteracy, they were not long sighted (they did not think of their future generations) and immediate gratification. For example, her ancestors were landowners in Piton and in Quatre-Bornes. The lands were transmitted across generations until they lost their land in Piton and her father sold their house in Quatre-Bornes.

...kan blan inn ale, inn

#### Reference 1535 - 0.01% Coverage

pa pou arive demin... 114

(Eng. trans:...when the whites left, there are many who gave [land] to the Creoles, who gave land to the Slaves. They told the latter to work the land and to live there. In other words, it is yours. But he [the slave] was illiterate, he did not know anything [and] gave him a plot of

Reference 1536 - 0.02% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

land, what he would do with that. He did not know what to put on it, he did not know where to get seeds to grow, how to plant how to do, the others that came, the other communities that came, they knew...he [the other communities] did not come as slaves, he came to steal instead, because he came to steal the slaves. When the slaves were no more enslaved, he possessed things, but he did not know what to do with it, he did not know how to use it, because all that time [when slave] he did not go to school. He did not get training, when he was no more a slave, when he was freed, during this transition from slave to Freed he did not get any training, in other words when he was freed he was given a plot of land what he would do with that? He could not eat land; he did not know how to plant, how to build a house. That is why the other communities that came, that knew, said: I give you money you give me this [your land]. [With] money, he could buy food, drinks, but he did not know that when money is finished, it is finished, they [the whites] never explained that to him: that if he worked the land, he would sell [his harvest] that he would succeed, he did not understand that. At most he had 10 arpents of land, he sells 5 arpents, he uses the money he grew [cultivated the land] today he would have 5 arpents of land. But those who came abused him, did not tell him that, they just came just told him I give you some money you give me the land...my grandmother has 121 arpent of sugar cane [field] in Piton, at the last census it was still named Isor field. But, when my grandfather died, when we told her to start the proceedings, she did not want to hear about it. Because she does not know how to read, she said what she would do with that [the sugar cane field]? She will eat sugar cane all day, how she will plant and what she will grow? When the sugar cane has been harvested what will be done with it? She did not know. It means he [the slave] possessed, the slave owned. But she did not know what to do with it, she did not sell it, she did not do anything with it, she abandoned it...Like my father, you do not sell all your land, your whole house! We had a plot of land let say there was a big house on it, 6 rooms and 3 litchi trees...he sold the house...and he sold a big house like that in Quatre-Bornes town 185,000 rupees, until my death I will not forgive him 185,000 rupees. One month later a Chinese came and offered him 1 million, he had already sold [the house], which means, I think, I apologise for the saying but they [the descendants of slaves] kept this stupidity. It is like that they kept it. You know the slave likes it [this stupidity]...this is for me I do what I want I do not consider what will happen to my children what will happen tomorrow...)

There is an intergenerational transmission

Reference 1537 - 0.01% Coverage

in this region for generations.

Democratising access to property ownership through the construction of low cost residential developments/Morcellement for the low and middle classes. It also implies implementing measures to protect and defend the land rights of the vulnerable groups such as women and working class families.

- Social Organisation

In line with

Reference 1538 - 0.01% Coverage

so as to avoid foreclosure.

The Ministry of Land and Infrastructure should modify the drainage system in line with the norms and regulations

There is need to develop

#### Reference 1539 - 0.01% Coverage

economic growth and environmental sustainability.

- Land Dispossession

In line with the various United Nations treaties, government should promote 'effective and democratic land, property and natural resources governance, management and practices' including decisions on access to land, natural resources and property; land and property rights, land use, and land and property development. It is the duty of the government to support the increasing number of citizens who do not have access to land and adequate shelter and since market forces will not naturally alleviate the situation land reforms should be proposed to reduce the structural inequalities and longer term measures for housing and land and property rights need to be put in place to support social stability.<sup>121</sup>

For example, FIG–World Bank Declaration on Land Governance in Support of the Millennium

Development Goals clearly spells out that sustainable land governance should provide transparent and easy access to land for all and thereby reduce poverty, avoid land grabbing and the attached social and economic consequences, safeguard the environment, cultural heritage and the use of natural resources; guarantee good, transparent, affordable and gender responsive governance of land for the benefit of all including the most vulnerable groups; apply a land policy that is integrated into social and economic development policy frameworks; address the challenges of climate change and related consequences of natural disasters, food shortage, etc.; and recognise the trend of rapid urbanisation as a major challenge to sustain future living and livelihoods.<sup>122</sup>

Furthermore, the Istanbul Declaration on

#### Reference 1540 - 0.01% Coverage

##### 1 Infrastructure and Spatial Organisation

Based on the premise that, firstly, infrastructural landscape is not fixed but dynamic in that it evolves through time in line with changes in land use, secondly, socio-economic transitions are determined on land use that subsequently affect environment (social and ecological environments), the shift in the regional economic development strategy – with the main estate owners dividing out land for commercial and residential developments – transformed the local infrastructural pattern. (See Appendix 3)

The infrastructural landscape can be

#### Reference 1541 - 0.01% Coverage

PH 18/P/LaMivoie/11May2010

On the right and left peripheries (Sime LaJetée and Market Lane) of the Cité there is private land owned by Hindi and Marathi speaking Indo-Mauritians who are said to be better off than the Cité residents. (See Chapter Social Survey)

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#### Reference 1542 - 0.01% Coverage

are located at La Mivoie.

In Tamarin village, we find FranPrix Hypermarket, a chemist and Barclays Bank as well as a commercial mall and River Land, a sports club for the wealthy people. Tamarin Village that is approximately 15 minutes driving distance north of the Cité.

According to the respondents, these

#### Reference 1543 - 0.01% Coverage

##### 5.2 Potential Heritage Sites

The sime (Eng.trans. Road or Path) identified in this report were multi-functional paths that passed through private and government land. They were muddy paths like horse tracks that 'cut across' sugar-cane plantations and used by lorries to load sugar-cane.

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#### Reference 1544 - 0.01% Coverage

pie li byen dur...132

(Eng. trans:..There we start from Stinking Wood land, we go up why because, you see this steep slope there, it is named Stinking Wood Slope...Why Stinking Wood...why gave this name? Because I always heard this Stinking Wood, I do not really know its signification...because it is a steep slope. If you climb it on foot it is difficult...)

Photo 28 Montan Bois Piant

#### Reference 1545 - 0.01% Coverage

Battery of La Preneuse.'140

The public does not have access to the Les Salines public beach nor to the heritage site as apparently it is on private land. 141

The salt-pan was sold

#### Reference 1546 - 0.01% Coverage

of education among population here.

As from the 1960s, the labour demand of the estates changed in line with their development strategies and especially following the division of the estate land. They needed mostly labourers and domestic workers as illustrated by the genealogical trees.

For example, Maurel, De Ravel

#### Reference 1547 - 0.01% Coverage

with the national economic strategies.

According to Nicole, Mr. Maurel started to divide and sell his land and semi-industrial activities developed. Sugar cane production, Aloe production, salt-pans and the development of the chassée were the main economic activities and the villagers worked essentially as paid domestic workers, labourers, fishermen and salt-pan workers.

...Lontan tiena ban dimounn ti

#### Reference 1548 - 0.01% Coverage

cane my husband [was] fisherman...)

Consequently, in the 20th century, the estates were still the main employers. However, these social and economic changes not only had an effect on the residents' occupational choices but led also to a shift from a sustainable lifestyle to a consumption lifestyle following changes in land reconfiguration as explained in the previous chapter.

Even after moving from estate land to settle in Cité La Mivoie, the residents were still working for these estates. Yet, some respondents testified that, apart from the demolition of their houses after Cyclone Carol, the opportunity to engage in independent non-estate economic activities mainly fishing was one of the reasons why people moved from estate land to settle in the Cité.

This is substantiated by genealogical

#### Reference 1549 - 0.01% Coverage

and fishermen.

Small Scale Farming:

Field research uncovered that the villagers and especially the Marathi-speaking inhabitants also practised small-scale agriculture and animal farming on estate land at the foot of La Tourelle du Tamarin Mountain and in Sime Gorz. They reared animals and cultivated land for subsistence and surplus was sold or bartered. Although small agriculturists continued to cultivate land, by the mid 20th century, farming was no more being practised. The last garden was identified in around the 1980s. As Nicole testified, agriculture and farming gradually stopped with the expansion of hunting grounds and sugarcane fields.

There were plantations along Sime

#### Reference 1550 - 0.01% Coverage

road was not like that...)

Two orchards were also identified, one on the mountain at a place named Rwisso Harrison on Maingard land and another one owned by a family named either Rey Lenferna or Lenferna which was also an aviary at the actual location of La Balise. The orchards disappeared when the landowners divided and sold their land for residential development.

The following sites were identified

#### Reference 1551 - 0.01% Coverage

Kasi (Eng. trans. Cassis Plantation):

It was at the north entrance of the village on the land of the Baboo Family located at the foot of the mountain. The plantation existed in around 1972-1973  
...avan zot vinn konstruir pou

#### Reference 1552 - 0.01% Coverage

Kapav ziska 72-73...144

(Eng. trans:...Before all these buildings there was a cassis plantation there. There were Cassis trees there. Then I knew it belonged to the Baboo Family. On the other side of the road; I know this plot of land belongs to the Sokoo Family. Until which year? Maybe until around 72-73...)

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#### Reference 1553 - 0.01% Coverage

bel delo desann ladan...145

(Eng. trans:...Harrison River there on the right...when its raining water flows downstream near the church it is on the land of Mr. Maingard...Why this name? Harrison River because as I told you there were people living over there there was a man named Harrison then people named [this place] Harrison when rains water flows in that...)

3. Karo Taba:

It was

#### Reference 1554 - 0.01% Coverage

Social Survey)

4. Karo Maraz:

It was located opposite Boutik Trwa Bra near Kanal Maraz. According to Nicole, this plantation dates back to when the Maurel Family owned the land

...pou mwa mo sipose li

#### Reference 1555 - 0.01% Coverage

we named it Maraz plantation...)

5. Park bef (Eng. trans. Cattle grazing land):

It was located on top

#### Reference 1556 - 0.01% Coverage

ki ti abit laba...147

(Eng. trans:...there was an old man on the other side, he was named Old man Maraz, he had a garden, but further there was a cattle grazing land...how to say there was a cattle grazing land, there was a road, for the cattle, that is why we called it Cattle Road...So there were people living up-there, there was a...camp? Yes. There was a camp over-there. A little overthere, there were some families living over-there...)

Photo 38 Park Bef Source

#### Reference 1557 - 0.01% Coverage

PH 36/P/LaMivoie/20June2010

Other gardens and plantations were located on estate land at the entrance of Sime Gorz such as Karo letchi (Eng.trans. Lychee Plantation) and Karo zarico (Eng.trans. Beans Plantation).

...Kot pon la se ki

#### Reference 1558 - 0.01% Coverage

there they did gardens there...)

There were gardens named Zardin Bombaye (Eng.trans. Marathi garden) on marshy land, before the Grande Rivière Noire Bridge near Boutik Trwa Bra. The gardens were named such because Marathispeaking people used to work in them, as the Marathis were the horticulturalist in the region.

As indicated by the 1851

#### Reference 1559 - 0.01% Coverage

E. Dupy and P. Dubois.

There were plantations at the north entrance of the Cité La Mivoie, as well, on the land of Baboo and Sokoo families such as a Eucalyptus plantation and a Cassis plantation. All these gardens disappeared with the expansion of the sugarcane fields and with the residential developments.

The introduction of sugarcane plantations

#### Reference 1560 - 0.01% Coverage

bann la mo trouve...'151

(Eng. trans:...In reality there are people who think they are superior...white! Hindu...I think because they have land, they have money, they have wealth. I think it is why they think they are superior...the Chinese they live a quiet life that is what I have learnt, I never saw a Chinese having problems quarrelling. He mingles...Creoles

#### Reference 1561 - 0.01% Coverage

wetland as protected marine zone.

A petition was signed by approximately 35 women to protest against this project that violates government commitment to protect and preserve local biodiversity such as the Convention on Biological Diversity for the Conservation of biological diversity ratified in 1992 and The Stockholm Declaration at the UN Conference on the Human Environment that stipulates that natural resources of the earth, including the air, water, land, flora, fauna and especially representative ecosystems should be preserved.

Recommendations: Infrastructure

Dr. Y. Cantin

#### Reference 1562 - 0.01% Coverage

access to different natural resources.

It implies developing Livelihood Support Programmes (LSP) to promote integrated sustainable livelihood as sustainable poverty alleviation strategy. It involves allowing access by the poor to natural resources including land for pasture, farming and agriculture and water. In times of crisis, the dictum that 'work is a necessity linked to the survival of the human species' makes sense.

Even though, in such instances

#### Reference 1563 - 0.01% Coverage

effects of these developmental projects.

Based on the United Development Programme (2010) analysis, the underprivileged people will continue to live in precarious conditions and the number of slum dwellers will grow with the worsening home crisis resulting from the worldwide financial and economic downturn that has been exacerbated by 'lack of land titles and other forms of secure tenure; cutbacks in funds for subsidised housing for the poor; lack of land reserves earmarked for low-income housing; and an inability to intervene in the market to control land and property speculation'.

As stated in the report, they are facing forced de-localisation; they are denied access to land, safe shelter and natural resources. In addition, they have to bear the plight of price inflation and sociocultural changes. The rise in land prices rule out the possibility for the working poor and the lowincome earners to own land and a house and it consequently exacerbates the precarious housing conditions in the Cité.

The cultural clashes are negatively

#### Reference 1564 - 0.01% Coverage

meeting the Millennium Development Goals

Land Dispossession

Promote 'effective and democratic land, property and natural resources governance, management and practices'

Support the increasing number of citizens who do not have access to land and adequate shelter and

including land reforms

#### Reference 1565 - 0.01% Coverage

land and adequate

shelter and

including land reforms to reduce the structural inequalities and longer term measures for housing and land and property

Address the problem of continuing

#### Reference 1566 - 0.01% Coverage

stories about them • Family origins

- Was there an intergenerational transmission of wealth, family history, traditions and values, knowledge and skills, land? etc
- How parents and grandparents met

#### Reference 1567 - 0.01% Coverage

as house workers, gardeners etc?

Cultural and Social life: • Traditions and customs including traditional religious and spiritual practices • Popular religion (prayers, rituals, ceremonies etc) • Traditional food practices and habits • Infrastructure developments • Road development • Education • Religious places and cemeteries 6. Land-ownership issues • Are you land owner? • Where is your land? How did you get this plot of land? • Were your parents or grandparents landowners? Where? How did they get this plot? • Cases of landownership and causes for loss of land? 7. Evolution of the 'cité' including impact of development and future developments • How the village/region changed over time and what brought about those changes? • How the economic, social and cultural life of the 'cité' evolved? • What Mauritian society can do to help slave descents to feel /be better economically, politically, socially, culturally, etc?

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#### Reference 1568 - 0.01% Coverage

[www.mrl.nott.ac.uk](http://www.mrl.nott.ac.uk)>

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14. Ministry of Housing and Land, Labour Surveys Act 1976 and Land Surveys [Amendment] Act 1978, La Mivoie Housing Estate.

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22. Quan, J. 2006, Land Access in the 21st century: issues, trends, linkages and policy options, Food and Agricultural Organisation of the United Nations, University of Greenwich, viewed 14 February 2011, <[www.fao.org/es/esw/lsp/cd/img/docs/LSPWP24.pdf](http://www.fao.org/es/esw/lsp/cd/img/docs/LSPWP24.pdf)>

23. Teelock, V 1998, Bitter

#### Reference 1571 - 0.01% Coverage

remains inaccessible to the public.

The combined effects of pressure of developers on public institutions managing land and cultural issues have ensured that the management of the site leaves much to be desired as well as the interests of the inhabitants being neglected. One is at pains to understand why the village of Le Morne was not included in the Buffer Zone of the World Cultural Landscape as the inhabitants uphold the traditions bequeathed to them by their slave ancestors who lived in the area. The interests of the inhabitants of the original Le Morne village found on the land what is known as 'Trou Chenille' have not been taken into account at all and to date no full archaeological or historical survey carried out on this village which was composed of descendants of slaves having lived in the area for generations.

The conditions in which they were removed are considered unacceptable: from Trou Chenille to L'Embrasure in 1945 and again in 1960 to the present location of Le Morne, where they are unable to provide for themselves an independent livelihood due to constriction of space: whereas in the original village they could engage in fishing and agriculture the absence of agricultural land means the inhabitants are dependent on others and cannot practice subsistence agriculture as they used to.

Numerous studies have been undertaken

#### Reference 1572 - 0.01% Coverage

given in the form of:

1. As a form of restorative justice, the inhabitants of Le Morne and neighbouring areas to be given agricultural land jointly held by them to engage in agricultural practices to enable them to increase their daily revenue and be autonomous as they used to be.
2. Implementation of recommendations contained

#### Reference 1573 - 0.01% Coverage

à qui appartient Trou Chenille?

Alexandre Descubes, Land Surveyor, a compilé un cadastre en 1880 à partir de plans, d'actes de propriété et d'autres sources antérieures, sur lequel apparait le village de Trou Chenille et le vieux cimetière. Mais le nom du propriétaire de ce territoire n'est pas mentionné contrairement aux autres parcelles de terrain du Morne pour lesquelles les noms des propriétaires

sont bien

mentionnés. J'en ai

#### Reference 1574 - 0.01% Coverage

or immediately post-mortem fractures.

One interesting taphonomic feature is the presence of globular-shaped destruction of the outer bone table on the surface of some bones from Structure 1/A (fig. 24). This feature initially looked like a pathological condition affecting the distal ulna and the proximal second metacarpal, but analysis under x10 magnification showed no sign of bony reaction. Similar features were observed on the shaft of the left femur from

Structure 33/Lower. Structure 33 was very disturbed by the actions of burrowing land crabs (*Cardisoma carnifex*), and it is possible that the surface damage represents scavenging by these animals.

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#### Reference 1575 - 0.01% Coverage

in cloths of some finery.

At least for some of these graves there is clear indication that the specific (if not always the precise) location of the individual grave was noteworthy and part of social memory. This is indicated by the fact that the grave outlines were reconstructed, in one case on four separate occasions; invariably the reconstruction phase resulted in the use of larger, often cut, basalt blocks. The earlier levels more of than not use small, uncut basalt stones, serving as a relatively simple grave outline. These reconstruction are very important as they speak of a period, perhaps decades long, where the cemetery's purpose is sovereign, undergoing little change, and known as the final resting place of ancestral populations by those using it. This clearly points to an enduring memory within the context of landscape and land use.

While time and funding prohibited

#### Reference 1576 - 0.01% Coverage

a negative response especially when

financial compensation gets into the mix. A few years ago while listening to Mauritian radio, I heard a reparations activist declare that those who are "Fortunate should not get any compensation"; this type of statement although entertaining to those who, at the time, were aware of the insider joke, reduces the question of reparations to a class issue that exists in the Creole community and that in the end, it was just about money. I have to say that I have not always been in favor of financial compensation for the simple reason that I think that the funds to be disbursed would simply be measly. At the time, I drew from the case of the displaced Chagossians who after decades of legal battles were awarded a small financial compensation and a small plot of land in underdeveloped and economically impoverished localities Tombeau Bay.

with little infrastructure such as

#### Reference 1577 - 0.01% Coverage

W. Mills proposes that European

expansionism in its various forms such as expropriation, slavery, colonialism, settlement brought the concept of race into existence globally. According to Mills, those termed Whites are the bringers of civilization per se; they are the ones who built the legal system and the society from scratch in a land where according to their outlook was bare; which is a concept marvellously encapsulated in a book published in Mauritius entitled, "Les Défricheurs de L'île Maurice", meaning those who weeded Mauritius although there are some serious speculations as to whether the colonists actually did the weeding themselves.

Mills makes his point by

#### Reference 1578 - 0.01% Coverage



ex-slaves. In 1865, Union

Major General William T. Sherman declared that abandoned or confiscated land along the southeast coast, be set aside for freed slaves with families at a rental for three years. They were entitled up to 40 acres, hence the expression, "forty acres and a mule". However, this policy did not expand to the Deep South; after Lincoln's assassination, President Andrew Jackson halted this movement in an effort to pacify the defeated confederate states. In June 1865, President Andrew Jackson ordered 40,000 Freedmen from their homesteads allowing the rebel white southerners to reclaim the land. The federal Government established the Freedmen's Bureau to provide assistance to former slaves.

Major General Oliver Otis Howard

#### Reference 1579 - 0.01% Coverage

to bring suit against the

Treasury Department on taxes levied on cotton seized as war bounty by the Union army when they invaded the south. The class action suit was filed in 1915 under the name Johnson v. McAdoo; the plaintiffs all freedmen from the Association claimed that the government owed them money in the form of unpaid wages over cotton seized during the war, which they claimed was picked and processed by slaves' hands. The plaintiffs stipulated that the government had already earned huge amounts of profit on the bounty cotton; price for crops like cotton was kept artificially high during the war moreover according to the three-fifth representation rule, cotton was already heavily taxed. This means that the government made an enormous amount of money on that crop, first on the inflated price and second on the heavy taxation that was levied upon it. The cotton had been already identified when it was taxed and was well publicized as war bounty in the newspapers of the time, the money was even be traced to the Treasury department thus the suit could avoid the issue of whether Congress would appropriate funds to pay for pensions as compensation for the exslaves.<sup>25</sup> The plaintiffs in this case claimed as unpaid revenue which amounted to \$68,078,388.99 collected in taxes from 1862 to 1868. Cornelius Jones was a very skilful attorney; he avoided any hints to the failures of Reconstruction policies in the south, that these policies did not include Blacks at all. And the fact that the Jacksonian proclamation of 1865 forced the freedmen off their homestead and returned the land to the ex-slaveholders. Instead Jones crafted his argument on

Truth and Justice Commission 277

#### Reference 1580 - 0.01% Coverage

York: Oxford University Press, c2007.

84. Robinson, Randall: *Defending the Spirit: A Black Life in America*. New York, Dutton, c1998. 85. Ibid: *Quitting America: The Departure of A Black Man from His Native Land*. New York, Dutton, c2004 86. Ibid: *The Reckoning: what Blacks Owe to Each Other*. New York, Dutton, c2002 87. Sgroi, Peter P.: *Loving Constitution: Landmark Supreme Court Decision*. Parsippany, NJ: Silver-Burdett Press, 1987.

88. Solow, Barbara L. (ed

#### Reference 1581 - 0.01% Coverage

Museum once it is opened.

The site par excellence is the complex on the eastern side of Port Louis comprised of historical buildings all found on State land and currently neglected and found in the Buffer Zone of the Aapravasi Ghat World

Heritage Site. The Military Hospital complex will provide sufficient space for this and especially as one wing will house the National Art Gallery, a project also to be initiated by the Prime Minister's Office. This Hospital was built by slaves and indeed housed sick slaves on one floor. It is surrounded by other buildings of direct relation to slavery: the Post Office on which site existed the Bagne for Maroon slaves, the Granary where port workers (descendants of slaves) loaded and unloaded rice, the Customs House where slaves and Liberated Africans passed through when they first arrived in Mauritius in the 18th and 19th centuries, amongst others. Ratsitatanina, the Malagasy Prince, exiled to and executed in Mauritius was imprisoned in the Bagne.

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#### Reference 1582 - 0.01% Coverage

Source: Courtesy of Sheilandra Peerthum

jointly an arpent plot of fertile land at Bois Mangué which is located in Rivière du Rempart district and a few kilometers from Labourdonnais Estate.

It was purchased through several instalments over a period of several years so that by the early 1920s, they were able to secure this plot of land through their savings. Furthermore, Ramdhuny Nundlall acted as the financial guarantor of their land acquisition which was registered at the office of a notary in Rivière du Rempart district. The essential question which arises is how did they pay for this land? As mentioned earlier, Seesurrun had been working for several years on Labourdonnais Sugar Estate as a cart driver, and even Sookbasseea was on the payroll of the above-mentioned estate. However, it is unclear what specific work she performed there. During the late 1910s, Seesurrun and Sookbasseea grew sugarcane on their newlyacquired land and, in between the rows, tomatoes were grown which they sold at a rate of 1 lb. for 1 cent.

Source: Château Labourdonnais

Their wages

#### Reference 1583 - 0.01% Coverage

1 cent.

Source: Château Labourdonnais

Their wages and the money they obtained from their small sugarcane harvest and tomato cultivation, helped to make installment payments. It goes without saying that Seesurrun and Sookbasseea, as small planters, took advantage of the sugar boom which lasted until 1921. At the same time, they were among the last Indo-Mauritians who, by purchasing a plot of land, actively took part in the Grand Morcellement Movement which came to a close by 1921 or the early 1920s.

Figure 11: Sookbasseea Peerthum in

#### Reference 1584 - 0.01% Coverage

during the 1920s and 1930s

In 1925, Ramdhuny Nundlall the sirdar gave his daughter a plot of land of around half an arpent in size in the small village of Cottage and located next to Forbach Sugar Estate. He had purchased this land from a Franco-Mauritian planter and owner of Mon Tracas, a small Sugar Estate, from which part of the village of Cottage gradually emerged during the 1910s and 1920s. Between 1925 and 1926, Seesurrun and

Sookbasseea, with the help of their relatives, started building their house in Cottage, barely two kilometres from where they were living on Labourdonnais Sugar Estate. In 1926, they left Labourdonnais Estate and settled permanently in Cottage. During the following year, in February 1927, Gianduth Peerthum, the eighth child of Seesurrin and Sookbasseea, was born and he was the first of many Peerthum children to be born in Cottage.

During the late 1920s and after, Seesurrin and Sookbasseea planted sugarcane and vegetables and were also involved in cattle-rearing on their land in Cottage. Furthermore, Seesurrin continued to work as a cart driver on Labourdonnais Estate until his death in 1933 and Sookbasseea was still on the payroll of the above-mentioned estate as long as her father remained a sirdar. In November 1931, Soorajdut Peerthum, the ninth and last child of Seesurrin and Sookbasseea, was born. He was barely two years old when his father passed away and never got to know him, unlike the other Peerthum children.

What type of person was

#### Reference 1585 - 0.01% Coverage

an additional source of income.

It is evident that, Seesurrin spent little time at home, since he left for work before 5 a.m. and returned in the evening. His wife and his young children managed their property in Cottage. Apart from his work as a cart driver, Seesurrin also personally looked after his property at Bois Mangué which he visited almost on a daily basis. By the early 1930s, in order to supplement his earnings from his properties in Cottage and Bois Mangué, Seesurrin tried to acquire some land near the village of Goodlands.

Why did Seesurrin try to obtain a third plot of land? It may well be that he remembered that Peerthum, his father, never managed to purchase any property due to difficult circumstances in life and always remained dependent on the pay he earned as a day labourer and later on, as an 'engaged labourer'. In addition, he had to depend on other people to raise his children and his father did not leave him with any inheritance in terms of property or money. At the same time, Seesurrin had relied for many years on the generosity of Nundlall the sirdar in order to earn his living and to purchase his first property. He wanted

#### Reference 1586 - 0.01% Coverage

in reserve for his family.

Seesurrin tried to acquire a small plot of land near the village of Goodlands by making a verbal agreement with a Franco-Mauritian estate-owner there and provided him with a deposit. He also promised to make several installment payments over several years. The objective of Seesurrin was to obtain a half-arpent of marginal land which was located on the perimeter of the estate owner's property. Seesurrin invested a lot of his savings into clearing his plot of land which was rocky, uneven and not very fertile.

At the same time, he tried to clean a deep well in order to obtain water to irrigate his land. Unfortunately, Seesurrin spent most of his money in trying to convert his newly-acquired property from marginal land into good arable land. As a result, he failed in making his installment payments and the Franco-Mauritian planter seized Seesurrin's land as well as the deposit that he had provided. Since it was a verbal agreement, it was difficult to resort to the law to get his money back.

This specific event had a

#### Reference 1587 - 0.01% Coverage

the 1940s and the 1950s

During the 1930s and 1940s, Chandraduth Peerthum developed a very close and lifelong friendship with Hurruparsad Ramnarain, the Trade Union leader and member of the Mauritius Labour Party. My father and his elder brother always called him "chacha". During the Second World War and the 1950s, Chandraduth Peerthum was a member of the village panchayat or a type of council of village elders and became a well-known figure in the locality, just like Ramnarain and Narsimooloo. In September 1943, in the aftermath of the tragic Belle Vue Harel massacre, he was one of the individuals who transported the body of Anjalay Coopen on his shoulders from the estate camp of Belle Vue to be cremated on a plot of land which had been donated for that specific purpose and located immediately to the North of Cottage. During the same period, Chandraduth, along with his two younger brothers, Gianduth and Soorajdutt, became active members of the Syam Sevaks of the Jan Andolan or People's Movement which was being led by Pandit Basdeo Bissoondoyal and Sookdeo Bissoondoyal.

During the 1930s and 1940s

#### Reference 1588 - 0.01% Coverage

was the sister of Chandraduth.

My grandfather worked as a cart driver with Mr. Naga, his brother-in-law and a métayer who had obtained several acres of cane land near Lallmatie and Grande Retraite which belonged to UnionFlacq Sugar Estate. Chandraduth transported sugarcane from the Lallmatie and Grande Retraite area to the sugar mill of Union-Flacq, around 5 kilometres away. However, after more than a year, he decided to return to Cottage with his family, where he continued to work as a cart driver for Labourdonnais Sugar Estate until 1950. After two to three years, he obtained enough money with the financial help of Sookbasseea, to buy a new cart and ox. Between the mid-1950s until the early 1960s, he delivered sugarcane for St. Antoine Sugar Estate as well as for Labourdonnais Sugar Estate. During the 1940s and the 1950s, in his spare time, Chandraduth was involved in planting, cultivating and selling of vegetables on the land which his family owned at Cottage. At the same time, he was also involved in the harvesting and transportation of sugarcane from the land which the Peerthum family owned at Bois Mangué.

While the 1950s was a

#### Reference 1589 - 0.01% Coverage

less than ten years old.

During that difficult and dark period in his life, my grandfather could still rely on his mother's moral support and financial help. By the mid-1950s, Sookbasseea transferred her property of Cottage to Chandraduth who managed the land with the help of his children. A few years earlier, in 1949, she purchased a half arpent of land in the village of Lallmatie next to Mission Cross Road and close to Bon Accueil. During the course of the same year, she built a small house with the help of her children and moved there. After having resided in Cottage for 23 years, Sookbasseea moved to Lallmatie in order to live with Soorajdutt, her youngest son and last child, who was only 18 years old and had opened a tailor's shop at Brisée Verdière.

By the mid-1950s, Sookbasseea bought a plot of land around one third an arpent in size in the centre of Lallmatie village, close to the main road and the old cinema. She moved from Mission Cross Road to live there with Soorajdutt, until she passed away in 1958. At the same time, she gave an ox, cart, her house and land next to Mission Cross Road to her son Gianduth.

In 1956, Sookbasseea sold her property at Bois Mangué for Rs. 9,000. She kept Rs. 6,500 and the rest of the money or Rs. 2,500, she distributed among her five daughters who got Rs. 500 each. Sookbasseea used the money to build a new house on her newly-acquired property in the centre of Lallmatie village. She also intended to leave this house and land for Soorajdut. Barely two years after the death of Hurbunsea, Chandraduth's wife, his mother passed away in December 1958 at

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#### Reference 1590 - 0.01% Coverage

for herself and her children.

Unfortunately, in 1959, hardly a few months after this family tragedy, a flash flood, which originated from La Nicolière, swept through Cottage and destroyed my grandfather's house. He and his children lost all their possessions and had to start from scratch. It goes without saying that the period between 1956 and 1959, was the darkest period in Chandraduth's life, as well for his children, as they were struck with three major tragedies in a row. Fortunately, within a few weeks, my grandfather and his children, with the help of his nephews and some of the village youths, were able to rebuild their house. A few months later, he was able to plant and cultivate vegetables on his land and was able to purchase a new ox and cart.

Source: Courtesy of Bissondeo Peerthum

#### Reference 1591 - 0.01% Coverage

told not his full story

He who first had watered this land with his sweat And turned stone into green field of gold The first immigrant He, son of this land

He was mine, he was

#### Reference 1592 - 0.01% Coverage

in the District of Moka.

According to information obtained orally from my grandfather, Sookdeo Ramchurn, Ramchurn 140734 worked as "labourer" at Bar le Duc Sugar Estate. Later, he became a sirdar. He also stated that Ramchurn 140734 was the owner of a large plot of land but after his death, a South Indian entrepreneur misappropriated the land. As Maratcheea Beehook was illiterate, she was tricked into putting her thumb print on a legal paper. Subsequently, she lost all her property and led a life of poverty.

Baichoo Ramchurn (2nd Second Generation)

#### Reference 1593 - 0.01% Coverage

crop season.

(a) Virgin canes.

Dealing with virgin canes first, we find that the first task is that of 'désavannage' and 'parement'. The operation of 'désavannage', 'parement' and 'déchicotage' in the case of land not free from stones, taken together, consists of clearing the land generally, uprooting all ratoons which may be growing in the soil, and arranging the stones in lines. This operation is followed by 'fossoyage' or holing. 'Désavannage'

'parement' and 'fossoyage' are tasks making a very heavy demand upon the physical capacity of the worker, 'fossoyage' or holing being perhaps the heaviest of the three. All three are sometimes performed as one operation.

'Épierrage'.

The next task is

#### Reference 1594 - 0.01% Coverage

performed as one operation.

'Épierrage'.

The next task is 'épierrage' or clearing the land of stones and rocks. This is occasional work and does not always form part of the normal work of a labourer on a sugar estate. This is followed by 'pinçage', which consists of removing the stones from the holes with a 'pince' or crowbar.

Planting cane tops Truth and

#### Reference 1595 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

The land having been prepared for planting, the next operation is that of putting the cane tops into the soil. As soon as the labourer is in possession of the tops he makes them ready for planting, that is to say, he pulls off all superfluous leaves from the top and puts it in the hole, arranging it in such a manner that it sprouts easily; at the same time, he puts in manure and then covers the tops with earth.

Weeding

The next operation to

#### Reference 1596 - 0.01% Coverage

case of virgin canes.

'Dépaillage'

The operation of 'nettoyage' is usually followed by 'dépaillage', which is carried out just before cutting begins. 'Dépaillage' consists of removing all superfluous leaves adhering to the cane. 'Dépaillage' completes the number of operations performed during the inter-crop and is followed by the work of cutting and transporting the cane, the conditions of work being the same in respect of ratoons as in the case of virgin canes, subject to the proviso that rates for cutting ratoons are slightly lower than in the case of virgin canes, as the work is considered to be of a slightly lighter nature. These are the principal operations performed on a large estate, from the clearing of land preparatory to planting, up to the operation of crushing the cane in the factory.

The Hooper Commission's description of cultivation and planting techniques in the Mauritian sugar industry in the first half of the twentieth century is admittedly limited in some respects, as there is no reference for example to how estate land was ploughed prior to planting, be it either by oxen or mechanized tractors. But it should suffice for our present purposes, as the type of tasks that it describes are the same as those described by the elderly sugar estate workers who were interviewed by the AGTF's research assistants, most of whom were field labourers.

As the Hooper Commission's description

#### Reference 1597 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

getting married, though without always providing a succinct explanation for their actions. One is tempted to ascribe this decision to the need for women to play their part in contributing financially to the upkeep of poorer families, in view of the fact that there would be more mouths to feed after getting married and having children. But as tempting as it might be to point to rising levels of poverty as a way of accounting for these increases in female workforce participation rates, one has to temper this possibility against the knowledge that many women did not feel compelled to enter the workforce but instead preferred to stay at home in order to raise children or to work on their own land and to rear livestock (cf. ARLD 1950:30). One also has to ask why it is that sugar estates in Mauritius, which previously had shown an aversion to employing female labourers during the indentured labour period, increasingly opted to employ more female labourers over the course of the twentieth century. These numbers continued to increase such that by the end of the Second World War, female labourers accounted for almost half of the Mauritian sugar industry's workforce, or a maximum of 18,126 female labourers at the height of the crop season in 1945 (ARLD 1945:46). It is important to note, however, that more female labourers tended to be employed during the inter-crop period whereas men made up the bulk of field labourers during both the inter-crop and crop periods. The same logic used to determine how much men and women should be paid for the types of tasks they performed, also seems to account for the industry's preference to employ more women to do lighter tasks between crops and for men to do heavier tasks such as harvesting cane when the crop has to be harvested.

As indicated earlier, after independence

#### Reference 1598 - 0.01% Coverage

by the AGTF's research assistants.

The other reason why Benedict suggests living conditions in villages were superior to those in estate camps is because they were less isolated and enjoyed access to social services and recreational facilities funded and maintained by government and village councils. Some of these amenities included public fountains, medical dispensaries, government schools, agricultural services, public transport, electricity, police and fire protection, shops, cooperative credit societies for small planters, post offices, social welfare centres, football fields, cinemas, and religious organisations and edifices. But as Benedict (1961:56) points out, even in spite of these advantages, the economic fortunes of most villagers in Mauritius still principally derived from labouring in the cane fields. (In fact, most of the elderly sugar estate workers interviewed by the AGTF's research assistants began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired.) This had two important ramifications. Firstly, it meant that during the inter-crop season when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting bredes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>94</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.<sup>95</sup>

#### Reference 1599 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

interviewed by the AGTF's research assistants emphasised how difficult life was in the past, they also told them they were proud of what they had achieved in their lives and pointed out they were eventually able to purchase a plot of land and to build a house for themselves and their families.

##### CONCLUDING REMARKS

As stated from

#### Reference 1600 - 0.01% Coverage

##### SOCIAL CONDITIONS OF DESCENDANTS INTRODUCTION

Mauritius was a sugar plantation colony whose development relied essentially on the availability of plantation land, cheap labour and inflow of capital from metropolitan country.

During the 18th and 19th

#### Reference 1601 - 0.01% Coverage

promoted to Sirdar and Goinsamy.

Often, their promotion was accompanied with a wage upgrade and for some, like Satianand, it was an opportunity to become a landowner. He started working as a field labourer in 1949 and in 1962, he was promoted to Sirdar and the same year, he bought a plot of land where is currently living.

In the hierarchy of Management

#### Reference 1602 - 0.01% Coverage

current social and economic crisis.

The Lalit Movement in 2009 published that Rose-Belle Sugar Estate, a State-run sugar estate, was employing labourers on a casual basis and the latter, unlike the other employees, received gloves and nets only and were not given raincoats, boots and tools. Moreover, the estate sent an overseer to supervise gangs of casual labourers. These casual labourers were formerly employed labourers who for the last 10-15 years took their Voluntary Retirement Scheme lump sum and a plot of land. Now, the estate labourers received a daily wage of 171 rupees only and did not receive either a sick leave or a local leave nor pension, nor any other job security<sup>115</sup>

Regarding wages, some respondents were paid a fixed rate according to the task accomplished, such as the number of gaulettes (Eng. trans. measuring unit approx. 12 feet) of sugarcane harvested and the arpent (0.43 hectare) of land worked. Others were paid a fixed rate per working a day. Based on Mardemootoo testimony, labourers received salary increments and at the end of year, a bonus as well.

While the labourers were paid

#### Reference 1603 - 0.01% Coverage



sharecropping, were alternative economic avenues.

For example, Sathanand's family was poor and to make ends meet, they practised small-scale farming; they cultivated land and reared cattle for sales. His father worked as labourer and was a métayer as well. His father and uncles rented a field in Clemencia (located on the West Coast Southeast of Camp de Masque Pave) of approximately 1 arpent or 1½ arpent. It seems that it was marshy land and between 1944 and 1945, they cultivated rice. Gradually with the savings they made, his father and uncles bought two or three plots of land.

Many of the estate workers

#### Reference 1604 - 0.01% Coverage

pe, ti pe vende...120

(Eng. trans: he was cultivating [land] and selling as well there was he had a plot of land? Yes his mum gave him [a plot of land]. How much the pound was sold? Do not know 5 cents or 10 cents...People bought? Yes my mum sold...)

Bawol confirmed that they earned

#### Reference 1605 - 0.01% Coverage

sold the milk in town.

Compared to nowadays, they were less dependent on the consumption market to feed themselves. Hence, they could afford to make savings to invest in land. Consequently, most of the respondents who were initially tenants or whose parents were tenants are now property owners.

For example, Dananan is now

#### Reference 1606 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

According to the Royal Commission Report (1909, p. 11), small planters consisted of Indians cultivating from half an acre to 100 acres of land. The morcellement movement had been going for a considerable number of years (since the 1840s). Most Indian immigrants and Indo-Mauritians bought their land under a system of payment in five annual instalments and often, they agreed to pay high prices of the land. It was considerable financial burden until the purchase money was paid off, which might take more than five years. The closing of small sugar mills allowed the estate owners to divide portions of their land among Indian small planters who constituted an important section of the community.

The report went further, expounding

#### Reference 1607 - 0.01% Coverage

house or under the veranda.

According to Dananan, after the Voluntary Retirement Scheme, some of the camps were destroyed and the land divided into plots of 6 perches.

Academic Education and Mobility

It

#### Reference 1608 - 0.01% Coverage

Belle where he lives now.

Bawol was working on Labourdonnais Estate and lived in the estate-camp. After the destructive aftermath of the cyclone in 1960 (either Cyclone Alix or Cyclone Carol), the mill closed and the estate-workforce was divided. A group of workers, including him, went to work and live on BelleVue Harel Estate for approximately 60 years. They enjoyed the same benefits on the estate; they earned the same salary and were provided with clothing. In the meantime, he purchased a plot of land.

Those who purchased plots of land like Pentiah and Bawol, transmitted them to their son and descendants. Some, like Pentiah, inherited land from their parents. Hence, all the respondents interviewed were not living in estate-camp but were living in their own houses.

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#### Reference 1609 - 0.01% Coverage

Mauritian women.

##### 2.2 Childhood

Mrs. Chendradoo Lachamamah who is also known as Elo was born at Bonne Veine to Mr. Mwslih Yerriah and Mrs. Sitama Yerriah. Both of her parents were labourers on Bonne Veine Sugar Estate which was later known as Mon Désert Alma Sugar Estate. Her mother also used to rear cows and poultry, selling the milk at 2 cents a quarter litre and eggs at 2-3 cents each. Her parents had a plot of land on which they used to cultivate sweet potatoes, tapioca, "arouy", cornflour, "larout" and banana for the family's own consumption. Mrs. Chendradoo Lachamamah had 2 sisters and 1 brother.

The house of the Yerriah

#### Reference 1610 - 0.01% Coverage

but rather like an animal.

Upon landing in Mauritius, Mr. Dookhit Deewan said that his grandfather continued to be mistreated. "enn bann blan" brought his grandfather to a Sugar Estate-the name of which he does not know. The owner of the Sugar Estate made his grandfather work. His grandfather lived in camps for many years. Eventually his grandfather was able to save some money with which he bought a small plot of land in the village of Plaines des Papayes once "slavery" (that is, indentured labour) had been abolished.

Mr. Dookhit Deewan's father worked

#### Reference 1611 - 0.01% Coverage

##### RAMLALL RAMDUTH 10.1 Introduction

Mr. Ramlall Ramduth's life problematizes the romanticized view of the social mobility and prosperity of Mauritius's small planters. He not only describes his working routine as a small planter, but also his work on Beau Champ Sugar Estate before becoming a small planter. Despite the hardships he had to undergo, he said he has no bad memories of Sugar Estate work and was still working on the plot of land he inherited from his mother in 2009.

## 10.2 Childhood

### Mr. Ramlall

#### Reference 1612 - 0.01% Coverage

in 2009.

#### 10.2 Childhood

Mr. Ramlall Ramduth was born at Quatre-Cocos to Raghubir Ramlall and Sonia Ramlall. Both of his parents were Mauritians. His father was a labourer. In 1960 he obtained a plot of land from the Ministry of Agriculture, more precisely, from Sir Satcam Boolell. He used to cultivate sugarcane and vegetables. After his father's death it was his mother who continued to cultivate the land. He had 3 brothers.

As a child Mr. Ramlall

#### Reference 1613 - 0.01% Coverage

were far from each other.

When Mr. Ramlall Ramduth started to work on his parents' plot of land he used to wake up at 5 a.m., brush his teeth, have his bath, do his prayer, drink tea and leave for the fields. He used to bring food-farata/rice with curry, which was prepared by his mother, to work. Initially he found the work difficult. But he had a positive attitude since he said that any work is difficult at the beginning but it becomes easier as one gets used to it. His wife also worked with him. He used to plant sugarcane and vegetables, cut canes during harvest, and after two and a half months or 3 months he used to pick the vegetables. When there was a lot of work he used to recruit women to plant canes and pick vegetables. The women started to work at 6.30/7 a.m. and finished at 2 p.m. He paid them Rs. 2 per day. If a woman was absent on 1 day she had to complete her pending work on the following day.

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#### Reference 1614 - 0.01% Coverage

of sandals at the time.

Ramlall Ramduth also had to employ people to cut canes. He, his wife and his workers did not have gloves and boots. As a planter Mr. Ramlall Ramduth used to just pray God before harvest. A cart used to bring the canes which his workers harvested "lor balans". After the canes were weighed, they were loaded on wagons. Wagons brought them to a mill known as Alvi. He had stopped to cultivate the plot of land which his mother gave him a few months ago due to ill health.

#### 10.4 Marriage and Home

#### Reference 1615 - 0.01% Coverage

is brother. r money to

ught 10 arpents of land llage.

Figure 10: Mr. Dassruth Aliarsing

Reference 1616 - 0.01% Coverage

d in India ar village  
ay this plot of land is  
Mrs. May Camp de  
At

Reference 1617 - 0.01% Coverage

v  
aboo Wooda urinam villa  
se 60 arpents of land be d away at th  
he age of 90 a

Reference 1618 - 0.01% Coverage

for Bel Ombre Sugar Estate.  
Mr. Subaghra states that when he was born, there was a severe drought in India. His grandfather requested his uncle to return to India in order to help his family financially there but the latter never returned back to Mauritius. His grandfather's family lived in Gahmar village, presently located in Ghazipur District in India. His grandfather decided to come when he heard that Mauritius needed labourers to work the land.  
Mr. Bissoondeoo Subaghra went to

Reference 1619 - 0.01% Coverage

the age of 7 years.  
Mr. Subaghra joined the Army on 13th September 1948 and he was shifted to Egypt for 5 months and returned to Mauritius on 10th January 1949. During his stay in Egypt he was imprisoned for 3 months. Mr. Subaghra had a rich work experience. When he returned to Mauritius, he worked as a labourer and earned 20 cents per day. Afterwards he worked as Sirdar for Bel Ombre sugar estate. At the age of 22 he bought a cart and one ox and worked as carter. He also worked as métayer along with his brother on a plot slightly less than a hectare (one arpent). In 1990 he owned 35 arpents of land under the métayage system. He was elected at the village council election of Chemin Grenier in 1950 and held the post of secretary of village council. He was president of the Poor Law Office from 1960 to 1965 and that of Social Welfare Centre of Chemin Grenier from 1965 to 1966 respectively. Mr. Subaghra also was the owner of a cinema named "Lotus" at Chemin Grenier.  
Truth and Justice Commission 433

Reference 1620 - 0.01% Coverage

15:  
Mussai Immigrant number 427899  
In India he lived in Thakuradan village, found in the state of Basti, found in the administrative District of Danpata. His father's and mother's name was Gulam and Mangari respectively. Immigrant Mussai 427899

was employed at Combo estate, at Terracine, located in the Savanne district. Later he shifted to Surinam and got married at Camp des Routes and he managed to purchase 25 perches of land which he later bequeathed to his son. Mr. Mussai passed away at the age of 55 years in 1944.

Mr. Mussai went to Baie du Cap RCA School and studied until standard 6. Kreol and French was the medium of teaching in his school and he learned the Hindi language in the baithka located at Camp des Routes. His maternal uncle, used to teach Hindi in the baithka. When he left school at the age of 13, he used to give a helping hand to her maternal grandmother in the field. He worked as a labourer and afterwards learned hairdressing from his uncle until he got married at the age of 20 in 1939 and his wife was aged 15 years. After his wedding he was employed as a grade 1 labourer at Bel Ombre Sugar Estate and earned Rs. 8 per month. Work started at 5am and he returned home at 6 p.m. At the age of 35 he worked as driver at Bel Ombre Estate and at the same time he was a métayer. His wife used to rear cows, goats and poultry at Camp des Routes. Mrs. Mussai also worked as an apprentice mason at Bel Ombre Sugar Estate. She also helped her husband on the land they owned under the system of métayage.

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#### Reference 1621 - 0.01% Coverage

outdoor kitchen at Chemin Grenier

Mr. and Mrs. Mussai have 6 children, who are all boys. According to Mr. Mussai, there were around 300 persons who lived at Camp des Routes. The estate houses, "langar", comprised of 4 to 6 rooms, made of straw. There was no bathroom facility in the camp and the inhabitants used to bathe in the nearby river. When he began to work as a driver he left Camp des Routes and in 1960 he bought a plot of land at Chemin Grenier where he constructed his house and shifted there in 1962.

Mr. Rohit Mussai, their eldest

#### Reference 1622 - 0.01% Coverage

His father used to send

money to his brothers in India, with which they purchased 200 arpents of land in Gahmar village. In 1934, Mr. Deerpalsing's father fell ill and Mr. Deerpalsing had to look after his family. When Mr. Deerpalsing was 15 years old, his father suffered from dysentery and passed away on the 13th February 1941. The latter was incinerated at the Cemetery of St. Martin. After some years, his mother passed away at the age of 84 years.

Figure 22:

Extract of Death

#### Reference 1623 - 0.01% Coverage

Passenger bearing number 731/95)

Mr. Deerpalsing attended the Primary School of Chemin Grenier and obtained a pass mark of 97.5 when he was in standard 6. Unfortunately, he could neither continue school nor did he work as a school teacher or in the police force as these jobs were reserved for people of Christian faith. At the age of 13 years he had to work as a labourer and earned 35 cents per day. He also helped his mother who owned land under the métayage

system. Mr.

Deerpalsing got married

#### Reference 1624 - 0.01% Coverage

##### DE COULEUR – THE 'COLOURED POPULATION'

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Photo 1 Library, Port Mathurin

#### Reference 1625 - 0.01% Coverage

##### Gens de couleur (Coloured population)

in Mauritius, during the colonial period, under the French and British authorities, and since Independence, up to the present day. It seeks to establish that the 'Coloured Population', as 'Libres de couleur', was as much the victims of repressive measures and injustice during the French occupation (1715-1810) as descendants of slaves and, later in the nineteenth century, indentured labourers. After the capture of Isle de France by the British (1810), there ensued a long, hard fight by the 'Coloured people' for their Human Rights, as regards educational rights, the right to political representation and the right to land ownership, faced with increasing pressure to sell properties.

The origins of the 'Coloured

#### Reference 1626 - 0.01% Coverage

##### constant threats from the 'Whites'

(Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the nineteenth and twentieth centuries, are examined in Chapter 5. It is shown that, whilst that community was at one time in possession of one-fifth of the lands available, it gradually lost its economic position and was forced to sell to either 'FrancoMauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

Rodrigues is a case on

#### Reference 1627 - 0.01% Coverage

least not until the 1830s.

Although they were able to acquire land,

officially and ostensibly under the Lettres patentes (Code Noir) of 1723, Chapter 5 shows that it was not until the 1740s that grants of land were made available to them, and that the Coloured landowners began

to make their mark on the economy of Isle de France only in the late eighteenth century. Any decrees of the Assemblée Coloniale in the 1790s, for political representation for 'Coloureds' on parish or other councils, were soon forgotten under Napoleon I, and more especially during the administration of General Charles M.I. Decaen (1803-1810). The Code Delaleu (1767) 1 and Code Decaen (1805) gave little chance to such an underprivileged and politically 'ignored' community as the Gens de couleur.

With the British take-over

#### Reference 1628 - 0.01% Coverage

many marriages.

Several wealthy men,

wishing to ensure their children's or their mistresses' future, in the event of their own deaths, buy land in their names. A few women already own substantial properties in their own right." 19

This tableau of the role

#### Reference 1629 - 0.01% Coverage

slaves; thus, between 1768 and

1789, out of 347 freed slaves, 188 gained their freedom from their white masters; of those 188 women, 138 had given birth to 244 children. They are known also to have acquired land and properties, and métis Indian concubines seem to have played a significant role in the emergence of the 'Coloured community' in the eighteenth century. This was the direct result, according to Jumeer, once more of the imbalance between genders; in 1776, for each woman, there were three men on the island. 41

the 'Coloured Population'.

One should

#### Reference 1630 - 0.01% Coverage

slaves) 55, 422 Slaves. 45

Freed Coloured slaves were beginning to gain advancement through concessions of 156 arpents of land.<sup>46</sup> 'Libres' gradually became known as 'Gens de couleur', but were not recognized as deserving of political or educational, or basic human rights. At the end of the eighteenth century, Mauritius was already a multiethnic and multiracial society, but the privileges belonged to a minority of Whites who declared themselves to be of pure French blood. 'Creoles', including mulattoes, in the modern sense of the word, as Danielle Palmyre defines them, <sup>47</sup> were seen as outside good White French society, since it was the "groupe le plus métissé, ouvert à tous les brassages," in the words of Jean-Claude Véder.

<sup>48</sup> The 'Coloured people' displayed

#### Reference 1631 - 0.01% Coverage

Véder also rightly argues that,

rejected by other cultures and ignored in the nineteenth century for long spells, Creoles, including the 'Coloured people', rallied around the Church.<sup>49</sup> Palmyre underlines the fact that, with few exceptions, "historically, the professionals of the middle class from towns in colonial Mauritius, were often the

descendants of black female slaves and white masters, had pale skin, were free and educated, but did not possess land. Even if social mobility has spread, the colonial classification persists.” 50 Indeed, the removal of whatever little land the Coloured descendants of white masters possessed during the nineteenth century, was to become a feature of the power play between Whites, Coloureds and wealthy Indians in the twentieth century (see later ‘Land ownership among the Coloured people’).

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#### Reference 1632 - 0.01% Coverage

official nineteenth-century documents referred

to as ‘Coloured population’, did not attempt to acquire more land and often the failed to hold on to the few (156) arpents they were given as concessions. Prejudices survived from the French colonial days during the British period; for example, an Ordinance of 1779 prohibited entry by the Whites into the ‘Quartier des Libres’ and punished any infringement by fines.<sup>51</sup> Yet, Indian women, not deterred by the coloured status of their children, had them baptized, without naming their fathers, according to Jumeer. <sup>52</sup> But, this did not secure access into ‘good society’; in fact, these children were ostracized both by the Whites and the Indians.

A similar story unfolded, when

#### Reference 1633 - 0.01% Coverage

facilitate this return journey to

one’s native land; one does not just have one identity, but several identities, according to the thinker and writer Amin Maalouf, depending on where, and when, one leads one’s life.

The statistics speak for themselves

#### Reference 1634 - 0.01% Coverage

the mission to

Our ancestors

perpetuate their exile in a land that has become our native land [...] We find nothing strange in our mixtures, however unusual they may be. On the contrary, as ‘métis’ in varying degrees, and at different levels, we instinctively cultivate a model garden.” 188

As Voltaire said in *Candide*

#### Reference 1635 - 0.01% Coverage

Ollier (1816-1845).

191 ‘Coloured’

The ‘Libres de couleur’ started to have access to land possession in the 1770s. Most of the landowners were then persons with a privileged position

within 192 the Colonial

Administration



#### Reference 1636 - 0.01% Coverage

position

within 192 the Colonial

Administration. Under the 'concession' system, the 'Libres de couleur' were allowed to buy their plots of land (while the Whites were granted land for free). Freed slaves could also be granted a plot of land by their former owners. According to Richard Allen, the percentage of concessions granted to 'Libres de couleur' between 1770 and 1789 varied from 9 to 23%.

The limited access of 'Libres de couleur' to the land and the privileged position of buyers 193

This integration in the elite

#### Reference 1637 - 0.01% Coverage

the political sphere during the

contributed to the integration of these 'Coloured' landowners into the land elite during the French period.

French Revolution, on the ground

#### Reference 1638 - 0.01% Coverage

owners). (See below 5.2).

As a result of their combined acquisition of land and demographic expansion, the 'Libres de couleur' group became a serious

#### Reference 1639 - 0.01% Coverage

sugar was granted access to

the British market at the same duty as sugar from the Caribbean. This gave rise to a fierce competition for land between the two groups, the Whites and the 'Libres de couleur'.

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#### Reference 1640 - 0.01% Coverage

their economic and matrimonial alliances

with the British), and capital was compulsory to make the huge investments required by sugar processing, they managed to monopolize the sugar economy. In 1831, the Whites owned 92.5% of sugar mills and 82.4% of sugar land, while they represented only 31% of the free population. The 'Libres de couleur', therefore, had no choice but to give up the sugar industry and concentrate on 'cultures vivrières' (manioc, grains, coffee, cotton).

The share of 'Libres de

#### Reference 1641 - 0.01% Coverage

51.3% in 1806 to

68.9% in 1830. Though they were more than half of the free population, they possessed less than 15% of land. However, they managed to double this share (from 7% in 1806 to 13.4% in 1830). Despite the fact that the Whites monopolized the sugar industry, the 'Libres de couleur' also managed to increase their share of cane land from 0.4% in 1806 to 7.5% in 1830, and their share of sugar mills from 3.2% in 1806 to 17.6 % of the sugar mills in 1830.

With the 1839 sugar crisis

#### Reference 1642 - 0.01% Coverage

As a consequence of this, they were obliged to sell their plots of land. The massive cession of lands was called 'Petit Morcellement' (1839-1846). Thanks to the 'Petit Morcellement', the 'Coloured' landowners were augmented with freed slaves who thus gained access to land. However, the number of freed slaves (apprentices) who obtained lands remained limited. Allen says that only one-third of the buyers were freed slaves and that their plots were very small (46 % were less than 2 arpents).

195 One major consequence of

#### Reference 1643 - 0.01% Coverage

a section of the White

elite was embodied in the Comité d'initiative pour la Réforme. The Comité was created in 1882 to oppose the projects of land reform imposed by the British in 1874 (ex-propriation of lands located near the rivers). The Comité d'initiative also claimed the need for elections to choose members of the Legislative Council.

The Comité d'Initiative was composed

#### Reference 1644 - 0.01% Coverage

people', on the basis of

common land interests. Its chairman was Loïs Raoul, a 'Coloured man' who was also a non-official member of the Council of Government, and a contributor to Le Cernéen, the newspaper of the White oligarchy. Other 'Coloured' members of the sugar plantocracy were part of the Comité d'Initiative: William Newton, Povah Ambrose (Director of Blyth and non-official member of the Council of Government), Virgil Naz (a wealthy sugar planter who was to become the President of the Chamber of Agriculture) and Dr. Eugène Laurent.

The 1885 Constitution finally granted

#### Reference 1645 - 0.01% Coverage

his wife's, can still be

visited today at L'Orangerie where he lived till his death in 1826. His daughter, Séraphine, born there on 30 July, 1802, lived with her parents until 1826, after she had married a businessman from Port Louis, Charles Pierre François Pipon. She became the owner of L'Orangerie in 1826, had 66 slaves and 17 free children. When she left for Mauritius, she gave permission to her slaves to live on her land, Jardin Mamzelle that

became a squatting area for emancipated slaves. 225 Séraphine Pipon died at La Chaumière, Savanne, in 1892.

When Marragon carried out his

#### Reference 1646 - 0.01% Coverage

Table 7

Marragon

HOUSEHOLD (Individuals)

LAND (arpents) conceded cultivated

SLAVES Mozambique Malagasy Talinga Guinea

#### Reference 1647 - 0.01% Coverage

DE COULEUR – THE ‘COLOURED POPULATION’

1816, when Marragon took over. 228 For his part, Michel Gorry made his living from the land rather than the sea; he had settled at Oyster Bay, with Roger and Boulerot, both fishermen. When they left for Isle de France, Gorry moved up country to a property called ‘Les Choux’; there, he first grew indigo but, later, confined his activities to growing only what satisfied his family’s needs. Early settlers, who relied on fishing for their livelihood, included D. Raffin who settled in 1803 and started a fishery, with 20 slaves, as well as Lecloud and Gautier.

229 Lecloud had arrived earlier

#### Reference 1648 - 0.01% Coverage

there to establish concessions. 234

At the very start of the Government’s policy of granting land concessions, between 1815 and 1830, those only rarely

#### Reference 1649 - 0.01% Coverage

slaves and 17 free children.

(ii) Messrs. Bessière and Husson’s, on land formerly belonging to Gorry, with 36 slaves and 17 free children.

(iii)

Mr. Eudes’, at Grand

#### Reference 1650 - 0.01% Coverage

addition, Gabriel Bégué, who had

settled on the land now forming part of the Roman Catholic Parish of St. Gabriel, had 4 predials; a certain Jean Marie had one and, likewise, Gonnet who had in addition 13 free men employed in his fishing establishment. The apprentices were working longer hours than the law allowed, their clothing were inadequate and their huts miserable, but they were well fed and extensive ground was allotted to them. 239

Another settler, Charles Lenferna de

#### Reference 1651 - 0.01% Coverage

notes in 1967: "Though extremely

spread out, they are represented by a small number of names, common in Réunion, and perhaps also in Mauritius: Roussety, Bégué, Rivière, Meunier, Legoff, Perrine, Lévêque." 243 We know some of the dates when the early settlers bearing European names, emigrated from Mauritius, or from elsewhere, to Rodrigues: Charles Weder (before 1827); Mathieu Roussety, a master-fisherman and trader (about 1842); his brother Auguste Roussety (1844); Jean-Marie Meunier (about 1840); Zéline Labour (about 1840); Bercy Labour, with four young children (1845); Désiré Calamel (1845); Charlotte and Marie-Louise Perrine (1846); Marie-Jeanne Geneviève, with a daughter (1846); Ferdinand Bonnelle (1846); Clodimir and Emilien Jean (1846); Louis François, his wife and five children (1848); Pierre Raffault (1848); the Legoff, Lévêque, Ithier, Castel and Allas families (later than the 1840s). 244 Descendants of the early Café au lait settlers, as they are known, or Rouges – because they grow red in the sun – gladly recall the adventures of their pioneer ancestors (see below for some families). Parish Registers of Births, Marriages and Deaths draw attention to the evolution of Rouge families. Gabriel Bégué, the ancestor of a powerful landed family, settled in 1825 on land now forming part of the Parish of St. Gabriel, which was bought or acquired, in a partexchange deal, by the visiting priest, Father Thevaux (Parish priest from November 1850 to May 1851). He erected a "latanier hut 50 ft. long by 24 ft. wide", a primitive Church which became known as St. Gabriel from "the owner's name" – the Saint being later declared the patron saint of Rodrigues. 245

There is much evidence, oral

#### Reference 1652 - 0.01% Coverage

long passage of 19 days.

great-grandfather may have come from Brittany, and was the father of Jean-Baptiste Ithier, who married Miss Eva Hombrasing. They had thirteen children. Whilst the ancestor [Victor] is said to have been a sea captain, Jean-Baptiste Ithier had settled on a concession of 14/15 arpents at La Ferme, 266 where the family still owns land today. X., the interviewed person, pointed out that his own father was a pastoralist and agriculturalist who owned a farm called 'La Ferme Piments' at La Ferme, land which, on his father's death in 1976, was divided between his children whom he had by a Miss Meunier – another very common 'Rouge' name in Rodrigues. The Ithier family, from JeanBaptiste onwards, grew such crops as maize, haricots, vegetables, as well as keeping cattle. They originally had, in their employ, descendants of previous slaves, all freed since the family did not settle at La Ferme until the 1880s.

A brother of Jean-Baptiste's

#### Reference 1653 - 0.01% Coverage

DE COULEUR – THE 'COLOURED POPULATION'

work, and few could go to Mauritius to pursue their studies. The Ithiers are also reported to have rented extra Government land in the days of Jean-Baptiste Ithier, to grow additional crops which were transported to Mauritius for sale. In Mauritius, it is likely that the Ithiers owned land in the Beau-Bassin, as well as the Flacq Districts. Large 'White/Coloured' families were the order of the day; the interviewee's father also had 13 children, as had his father before him.

X. also pointed out that

#### Reference 1654 - 0.01% Coverage

domestics, given the right to build their own homes on the family's land, as well as grow their own vegetables. Because 'White/Coloured' families were fond of food, domestics were hired to prepare copious meals and to work in the fields, and were remunerated per day's work. They were not looked upon as inferiors, nor were they exploited. All Ithiers owned various-sized

#### Reference 1655 - 0.01% Coverage

September 1869, when the latter took up his post as the first curé of Rodrigues, in what became a parish of the Diocese of Port Louis. 268 When he left Rodrigues for good in September 1880, Fr. Hilaire donated his properties to Ferdinand Gontrand; no title deed had been issued when the land was surveyed in 1878. 269 The Gontrands continued to occupy the land, known even today as 'Concession Gontrand', until an instrument of acquisition was granted on 13 September, 1894, by the Registrar General's Department of Mauritius, to

#### Reference 1656 - 0.01% Coverage

marriage to métis is also brought out. To support such large families, 'White' men had to fish, as well as set up plantations. The son of Elizène, Fernand, acquired land on Ile aux Chats, where a little maize was cultivated. The 'Rouges' employed 'black workers' as domestics and labourers, but treated them well, feeding them and allowing them to grow their own crops. Rice was a special treat for all and was served only once a week on Sundays, on account of it having to be imported. Domestics were paid wages on a daily basis, and often workers were given a loan of the masters' boats to go fishing. The 'Montagnards', through the system of 'barter', traded in maize and crops to the shopkeepers (Indians or Chinese) in return for other goods. Y. pointed out that this was very much to the advantage of shopkeepers. Truth and Justice Commission 489

#### Reference 1657 - 0.01% Coverage

on Rodrigues, will present its own separate findings on the two issues. Our concern here is to include a few details about the 'Coloured Population' borrowed from the *Recueil de documents pour servir à l'histoire de Rodrigues* (1969). 273 The list of land concessions on Rodrigues from 1817 to 1871 mentions herein the following individuals of 'Coloured' origins. Reference is to M.N.A. File R/R2. Obvious French 'White' and British names are excluded. Land Concessions Table 9 Land Concessions in Rodrigues (1817 – 1871) Vol. 24 No. 68 Germain

#### Reference 1658 - 0.01% Coverage

DE COULEUR – THE 'COLOURED POPULATION'

At the M.N.A., one also finds the following details under 'Rodrigues Land Concessions' (1845), Extracted from the books 'Domaine', Archives Office, 1845' (TB 6/4).

No. 162, F. 197

Duessy

#### Reference 1659 - 0.01% Coverage

concessions multiplied at Port Mathurin, measuring  $\frac{1}{2}$  hectare or  $\frac{1}{10}$  hectare, which shows a real development of this urban agglomeration. 274 Finally, it is to be noted that on 31 December, 1869, George Jenner, who had replaced Edward Stevens Messiter, as Police Magistrate on 14 May, 1862, received a land concession of  $24 \frac{6}{10}$  acres at Bambou, Rodrigues, while Thomas Morris [John Morris' descendant] was also granted a concession of 15 acres at Bambou on 31 December, 1869. In his analysis of the economy of Rodrigues, Dupon observed in 1967:

"As for lands appropriated, they represent about  $\frac{1}{7}$ th of all cultivated land, and if one were to exclude the Catholic Church which, with about 40 hectares, was by far the biggest landowner on the island, and less than 10 owners who had 5 to 10 hectares each, the average property would be well below 2 arpents. The Napoleonic Code, as applied to Mauritius, was partly responsible for this division of land [...] 275

As for the 'squatting system'

#### Reference 1660 - 0.01% Coverage

Jenner, Magistrate. North-Coombes explains:

"As regards land, Jenner, unlike his predecessors, limited the inhabitants' practice of occupying crown lands as they pleased, and succeeded in inducing the Government to take positive action. The result of this was that a number of so-called "squatters" became owners of land on easy terms of payment, though as yet no rent was exacted from those who continued to cultivate crown land on verbal leases." 276

Today, the entire system of

#### Reference 1661 - 0.01% Coverage

sucrière'(Mon Repos, acquired in

1850) in the North, a region where he says considerable properties have been owned by the Coloured Population until 1900 where the owners were white people, as stated by the interviewee whose family owns this propriété. He said that as from 1900, the ownership of the land in the North of the country passed from the 'Coloured Population' ownership to the White Population.

As we can see in

#### Reference 1662 - 0.01% Coverage

See Appendix (photos) Document 2

The interviewee's family remains therefore one of the exceptions among the 'Coloured Population' to own a propriété sucrière. The following picture is that of the first owner of the land, Mrs Louise DUPONT-FELINE, in 1840. The picture taken at the interviewee's house is in the Appendix as well as other pictures of his family.

See Appendix (photos) Document 3

#### Reference 1663 - 0.01% Coverage

Mesnard, Chauvet, Collard, Perille, Diore...

A land plan dated 1880 by Descubes illustrates landownership by the Coloured Population in this period.

7.3.8 Comparison between

#### Reference 1664 - 0.01% Coverage

Rodriguais dans cette grande aventure ».

Translation: « Concerning the question of history I think it is a good occasion to valorise the specific history of Rodrigues and then I think that this has been partly corrected because of sensitisation but often in school books for example Rodriguans were represented as carrying a hen cage on their head and rarely are the Rodriguans represented as a dentist, doctor or teacher (...) these are stereotypes Rodriguans need to cultivate their land and they cannot wait for rain to fall there needs to be irrigation and a market for example at Gravier there were hundreds of lemons which fell and there was no market even if there are efforts being made there are stereotypes the history of Rodrigues should be valorised and encourage Rodriguans in this great adventure".

Furthermore, concerning the specificity of

#### Reference 1665 - 0.01% Coverage

discuss and seek ways descendants.

Our interest lies in the social and political legacy of these inequalities. One finds that in Mauritius in which there was the experience of slavery, those at the bottom of the socioeconomic ladder today are also those who do not possess the means of production. They rarely have access to land, equipment and other vital material resources. Instead they are inserted into the economy as labourers and workers. Their 'race' is used to justify and perpetuate their oppression. The maintenance of this group at the margins of the society serves a double purpose. It reaffirms discourses of superiority and inferiority and it maintains the capitalist system, which relies on an oppressed working class to generate profits.

'Beneath' this group is yet

#### Reference 1666 - 0.01% Coverage

and by, the economic elite.

Having colonised the island in the 18th century, the Franco-Mauritians were the pioneers of Mauritius, owning vast land and inscribing the French culture, language and traditions into the socioeconomic landscape. By 1870, 270 sugar factories were owned by white Franco-Mauritian families. The fact that

Franco-Mauritians have traditionally been active in the economic and agricultural sectors was cause to call them the dominant or 'elite' minority.

Elites are socially and discursively

#### Reference 1667 - 0.01% Coverage

a different way of behaving.

Yet, defining the Franco-Mauritian as an elite is too sweeping. Even during colonial settlement, the European whites were not all considered racially privileged, e.g. the poor whites were not afforded the highest status. The colonialists were a diverse group of Frenchmen, some escaping the economic depression in rural Brittany, looking for greener pastures and a new beginning. Their racial superiority and power, under the colonial system, was defined by their possession of slaves after 1780s. This was an important marker of wealth and status (Salverda, 2010:72). They maintained their superiority and racial solidarity through the whiteness of their skin, the land and slaves they owned, and the French culture and way of life. The consolidation of a Franco-Mauritian elite took place through family ties, and business networks and marriage alliances.

In 1928, the Colour Bar

#### Reference 1668 - 0.01% Coverage

Franco-Mauritians to be interviewed.

Through discussion with Franco-Mauritians and non-Franco-Mauritians, the symbols of prestige attached to the construction of them as elite included normalised characterisations of their lifestyle that were not necessarily reflective of the reality for some Franco-Mauritians that were interviewed. The assumptions of a prosperous existence incorporated land ownership and people who hold management or directorship positions in major firms, businesses and corporations.

Truth and Justice Commission 563

#### Reference 1669 - 0.01% Coverage

PROVE that they are so.

Prestige and privilege are also attached to ancestry (in terms of origins) and clannish or family ties are significant markers of Franco-Mauritian identity. One Franco-Mauritian interviewed argued that family/clannish ties are not solely responsible for success and prestige – some are self-made men. Others have never owned land, "We have never had one knot in a sugar cane plant" (PG, Grand Baie, 7 June 2010). There is also ascension to hierarchy of Gens des Couleur through education and marriage – by participating in a form of strategic endogamy (marrying within the group) they are able to form a new class of 'white', one that does not necessarily have historical ties to land ownership or slavery. However, it seems to the research team that the Gens des couleur are trying to belong to a community (i.e. the white community) in which they are not accepted. The 'white non-whites' have the economic status but cannot assimilate to this group (of white people) because they are not considered pure white. In the extreme, it is not physical characteristics which matter, but name that does.

Perceptions of Franco-Mauritians range



#### Reference 1670 - 0.01% Coverage

attempt to overcome these 'prescriptions':

BLC (Black River, 27 July 2010), whose grandfather owned land on a sugar estate in St Pierre, intimated that racism depends on the perspective of the person regarding the other. In his story, he spoke about how, many years ago, when he played soccer for the National division team, all the teams were separate.

I played soccer or football

#### Reference 1671 - 0.01% Coverage

' I said: 'yes'.

And...

JCH: Falcon. Ok, it's a club, which still exist but which is now a-, has been a plot of land which is still a club but bought by the MCB, which is-, its their-, its their well, social club, for the employees there. For instance, at the time, I'm talking let's say 1980's, you have football clubs Ok, each community would have its football club. You would have the Dodo: the Whites, Racing Club: for the general population—

Researcher: Fire Brigade.

JCH: Fire

#### Reference 1672 - 0.01% Coverage

fall of the Franco-Mauritian,

BLC: It is mainly the White who came to develop the country and then imported the slaves to work and so on. So they had the privilege at that time of getting land from the previous Government, French Government or English Government. So they had this privilege to get the land from that time and then let's say, when they imported the Indian to work here, they were not imported as slaves. They were imported as coolies, as workers in the many sugar cane fields and so on and also then when they abolished the slavery, they benefited from some land as well.

Researcher: The Indians?

BLC: The

#### Reference 1673 - 0.01% Coverage

to Indians.

Researcher: Very few.

BLC: So it is for that reason the person globally perceived the White Mauritian as the richest. It's not true. Probably percentagewise comparatively on the number of White people living in Mauritius, possibly yes, you have a better percentage who are rich because we are very few. But now let's say you have more; let's say Indians who have majority of population, you have more Indians than White people rich. The thing is that White people we are ten thousand or twelve thousand; Indians they are four hundred thousand or five hundred thousand. So, you can't compare really. So, you have a lot more Indians who are richer than the Whites, but they see the Whites as richer because most of the Whites, they know how to sow money, but not the new generation let's say me like our family all my father/brothers and so on they were working and had a job to have a living. They didn't possess any assets or big pieces of land and so on. No. they work. They invest their money in some land or in a house or something like that. That's it.

The above extracts also suggest that it is not only historical perception of white privileges, but that members of the 'community' also see themselves as possessing inherent qualities that enable them to achieve prosperity. This myth of intellectual and ultimately racial superiority pervades the discussion on Franco-Mauritian achievements. There is the stereotyped and racist belief that whites are better at investing and safeguarding their assets. Moreover, they achieved their wealth with very 'little' support since it is argued that whites did not receive much in the time of slavery and colonisation, especially with regard to 'pieces' of land obtained.

In the latter part of

#### Reference 1674 - 0.01% Coverage

individual reports indicated the following:

Most of them spoke about the fear that preceded the elections in 1968; of ethnic or political rebellion and a subsequent re-possession of their land. So before and after 1968, many FrancoMauritians left the country - similar to events in South Africa before and after the 1994 presidential elections. This Franco-Mauritian Diaspora is a new form of the classic Diaspora (i.e. the black Atlantic Diaspora) as they immigrated to South Africa, Toronto, Canada, and Australia. However, those who stayed behind were able to buy the land of those who left and maintain their dominant authority as a minority as they fund economic ventures and are active role players in the Tourism Industry.

Tourism in fact remains largely

#### Reference 1675 - 0.01% Coverage

of cultural and political dominance.

CEN (Curepipe, 12 August 2010) said that although Franco-Mauritians still own the majority of sugarcane land, there are other emerging sugar barons:

CEN : No, the Franco-Mauritians are still, I would say, the majority the owners of sugarcane lands. But now that we don't talk, there are a lot of Indian families or Chinese families or Muslim families that own a lot of land.

Researcher: Hmm.

CEN: I would

#### Reference 1676 - 0.01% Coverage

lot of land.

Researcher: Hmm.

CEN: I would not mention any families but in one of the sugar industry there is an Indian family who is the majority. CEN: They own the land but they let the people who know the business run it. Researcher: Ya.

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#### Reference 1677 - 0.01% Coverage

and its legacy more enduring.

That a system and policy of affirmative action be implemented in Mauritius to address the social and economic imbalances created and fostered under slavery, indenture and colonialism. This system and policy of affirmative action must take into account that slave descendants in particular have been discriminated against in employment, access to land and a range of resources (including for example, bank loans). In the first instance, women of slave and indentured descent should benefit from this system of affirmative action. While it is acknowledged that it is presently difficult to define who is a slave/indentured labour descendant, policy-makers (and Government) should ensure that positive discrimination occurs. This might also require a moratorium on the employment of White and Males for a specified period of years.

4.

There should be a

#### Reference 1678 - 0.01% Coverage

it

is crucial to question

preconceived ideas and legends concerning the conditions of indenture. What were the indentured labourers' living and working conditions already experienced in India? What was fundamentally new to them in the servile system they faced in Mauritius? We know about certain servile systems in India in the nineteenth century. What were the links of Indian candidates for indenture with the land, the migration process, the domination hierarchy, etc.?

If one focuses on indentured

#### Reference 1679 - 0.01% Coverage

in television broadcasts, for instance).

That is the reason why, among others, Bhojpuri culture in India has long striven for its coherence above territorial frontiers. As a result, other identity criteria have been downgraded. First among them, the caste hierarchy is more flexible among Indian Bhojpuris. Bhojpuri Brahmins are not the fierce defenders of socio-religious orthodoxy which they are in other, more territorialized, regions such as Mithila, for instance (Servan-Schreiber 1999). Many institutions are open to all, and Bhojpuri leaders do not promote an elite and Brahminic culture. Bhojpuri leaders more often address the unifying power of the language in their discourses. In the Bhojpuri land, so they stress, it is as important to speak Bhojpuri as to be Muslim or Hindu, or to be Chamar (low caste leather worker) or Brahmin.

The real caste identity of

#### Reference 1680 - 0.01% Coverage

conclusion.

- Leaving the Indian territory

Let us first quote a very common discourse, contemporaneous with indenture: that of the Hindu Nationalist ideology in India. This ideology arises in India the second half of the 19th century with the anti-colonial and nationalist movements. The necessity for arousing a feeling of unity led some leaders to foster the idea of a unique land linked by Hinduism. It is based on the idea that India is, consubstantially and exclusively, Hindu.<sup>2</sup> The Indian landscape is identified with a Hindu Goddess (Bharat Mata, 'Mother India'), which is restated and built by pilgrimage networks linking the various Hindu sacred places all over India (Claveyrolas,

2008). As a result of such an ideology, Muslims and Christians cannot claim an Indian identity: "In India, one can only be Hindu' (ibid). But this ideology also stresses that one can only be Hindu in India.

A second, and more recent

#### Reference 1681 - 0.01% Coverage

reproduce the Indian social structure.

In the camps, the absence of spatial segregation and of occupational specialization is presented as incompatible with castes rules and regulations. But detailed reports from sugar estates show that, when requested, estate owners acceded to high caste immigrants, and Muslims, desire to be housed separately from other (lower caste) immigrants breeding pigs. Thus, the caste system did survive in spatial arrangements on estates and as important criteria in private life, especially as far as marriages were concerned. As for settling regulations when it comes to acquiring land, Allen notes that 'it was not uncommon for persons of the same or comparable caste status to purchase land near one another in a specific locality' (167), adding that other criteria were to be considered, such as religious affiliations and jahaji bhai relationships.

Regional origins were yet another

#### Reference 1682 - 0.01% Coverage

marriage.

Summary of main points

Life in village; She mentioned that previously life was difficult, as one had to work or rear animals, save money, rear children, buy land or something else. Even renting a house was expensive. They had to eat boiled sweet potatoes, boiled cassava, and 'satwa' and maize rice in the absence of rice. According to her, Petite Retraite was a good place, where initially straw houses were present and afterwards houses were congregated of iron sheets. Ethnic group/Caste: In Petite Retraite, she said that there were no Creole and Muslim communities. There was only Hindu, Telugu and Tamils. Among the Hindus, she explained that people of Ahir caste were in majority in the village. Baithka: She went to baithka to learn Hindi. There were two baithkas in the village; one of them was for the 'parjatiya' and other to the low caste. The baithka for parjatiya was found next to a kovil of the main road of Petite Retraite, while the other was found at a person's garage. Her grandparents did not see high and low caste and send her to Mr. Bhunjun's garage. In both baithka, activity such as 'Varshik Utsav was organised on a yearly basis. In these baithka she revealed that the names of people donating for the baithkas were being voiced out in public<sup>10</sup>

. and

Duration: 1st

2nd Session

#### Reference 1683 - 0.01% Coverage

and neighbour.

None Background Information

The informant is a widow of 82yrs old. She was born at Rivière du Rempart. She was the sole child of her parents. At the age of 16, she married and she came to live at Bois D'oiseaux in an extended family. She has three children. She was a and worked for planters. Her husband had his own ox cart. She came to live with

her nuclear family at Petite Retraite. Parents of the informant She did not know her mother as her mother died shortly after her birth. His father plant tobacco on his own plot of land. Grandparents of the informant: Her paternal grandfather was born in Mauritius and he died in 1982. He had been working as a sirdar in the planter's field. Education: The informant did not go to school.

Summary of main points

Life

#### Reference 1684 - 0.01% Coverage

needs of the family. Work;

The interviewee highlighted that it was very difficult to get a job; sugar estates were not giving work at that time. Even 80% one has to work in the harvest period so they could be employed. At the age of 12 years old, he quit school and started to work as a rice planter at Mare D'Australia. He used to walk for long hours to reach his work. He did not have a permanent job and worked as a temporary wherever he got a job contract. As a result, he started to plant vegetables including chillies in his own plot of land. Housing infrastructure They were living in an extended family consisting of 25 family members. The informants had taken loan and money from people and even mortgage their jewels in order to get contract and build a house. The kitchen was made up of soil also referred as 'matti ke la cuisine' The house was being cleaned by applying cow dung on the floor which was known as "maçonner"<sup>24</sup>

. He

informant's wife stated that

#### Reference 1685 - 0.01% Coverage

in the contemporary Mauritian context.

However, it is fair to say that indentured migration contributed to social mobility for some as those who wished for a higher caste identity were able to do so through changing patronymics or caste names. The Bhojpur land, and its migration tradition, offers many such examples, whether it consists in adopting the name of a superior caste or attaching it to the original caste name, or adopting a generic name which is not a caste name. Kurmi, in India, asked to be recognized as Kshatriya Kurmi, for instance. Teli asked to be recognized as Vaishya and low caste Noniya want to become Cauhan (a Rajput – i.e. Kshatriya - clan name). Most interestingly, the untouchable Dusadhs decided in Lahore in 1923 (during the Dusadh Mahasabha) to become Rajput. Mauritian Dusadhs followed the trend and are also known as Rajput (a Kshatriya caste) today.

At first sight, Mauritians seem

#### Reference 1686 - 0.01% Coverage

and other stress related illnesses.

These conditions are slowly being investigated and should be more researched to understand more fully the trauma that has been endured and repercussions in terms of access to land, social and economic networks, capital and social prestige, experience of social and economic repression 3.

Psycho-social issues are rarely

#### Reference 1687 - 0.01% Coverage

##### Interpretations 4.2.1 Housing

Historical conditions to land access in 1872 for the Indian indentured labourers by the Royal Commission have been a major factor in the setting up of housing plans for individuals as well as the community, pulling together resources for long term goals. Lack of economic opportunities offered to "ex-apprentices" from the slave population as well as absence of provision for them as far as land was concerned have contributed to "nomadism", transitory dwellings according to job opportunities

#### Reference 1688 - 0.01% Coverage

1996; Etude Pluri-disciplinaire, 1997)

3) Housing problem is not confined to "Cités" since some families although not in living in iron-sheet or thatched houses, whether in Mauritius or Rodrigues face hardships. For, after long fought struggles for the purchase of a piece of land, at some point of the household income cycle, families start constructions in concrete but find themselves trapped, often through unemployment, living in «ene la coque vide», hardly able to cope with basic necessities, especially when housing loans are involved. Illiteracy, difficulties to cope with administration, lack of efficient network place these families in great vulnerability and risk of repossession. Compared to Asians, among whom land is symbolically very important, solidarity among the extended family is fundamental and upward social mobility is encouraged, among Creole populations who aim at getting out of their destitute conditions, neighbourhood and social networks are of no help. In fact, they are looked down and ridiculed.

4) Again, among squatters, field

#### Reference 1689 - 0.01% Coverage

in getting out of squatting.

5) Ownership of land / house is usually associated with independence from landlords' wish or strategy. It is a sign of long term investment, sense of capitalization and transmission to next generations. It supposes an idea, an ideal of lineage, a valued position of self in a succession of generations, a representation of ancestry, therefore an apprehension of self / sacrifices / choices / sublimation process based on a sense of history. Denied of existence and of any form of future, slave descendants are in an impossible situation to look beyond the immediate and cater for a more stable future, a permanent home being one of its concretizations.

Housing like education are fundamental

#### Reference 1690 - 0.01% Coverage

Poverty associated with discrimination measures

In Rodrigues, unlike in Mauritius, the discrimination factor in the production of poverty is more political (Rodrigues in comparison with the island of Mauritius) than social. Unemployment and precarious jobs are due to impoverishment of the lagoon, land erosion, access to water, seasonal changes, a decline in jobs in the Civil Service. In Mauritius, due to centralisation and mechanisation in the sugar industry, disappearance of sand extractors, decrease of demands on small artisans or employees in the construction sector through

emergence of bigger firms/ groups offering the same services, less recruitment in the EPZ sectors are indicators that the labour market is offering lesser opportunities to the population concerned in this report. Risks of downward social mobility and poverty, although associated with structural reasons are also strongly connoted with discrimination measures.

- Poverty and culture of today

#### Reference 1691 - 0.01% Coverage

bulk of slave descendants, more

importantly, economic competition after 1835 between «ex-engagés» and «ex-apprentis» left the latter in a marginalized situation since the colonial policies did not provide any form of training and access to land was denied to them. Competition is therefore set both within the community and among other communities, in a situation when “ex-apprentices” have to survive without hardly any asset. We know from conflict theories that competition for restricted resources accentuates categorization and social conflicts, giving rise both to negative discrimination towards more fragile groups and favoritism to members of one’s group.

We have to study more

#### Reference 1692 - 0.01% Coverage

others. The Indian indentured labourers

In the initial phases of Indian settlements, the identity formation of the immigrants is to be understood in the context of their nature of work and new social setup, totally different from the experiences of the mother-land. They presented a unified Indian labour identity against the plantation regimes and this identity was asserted by groups as well as individuals.

At the same time, despite

#### Reference 1693 - 0.01% Coverage

of psychiatry, delinquency and crime

- To assess ( over time) with more precision, ways of living and equal access of Creoles to • land and housing
- labour and its division from

#### Reference 1694 - 0.01% Coverage

included in the report.

2

“Even when laws, policies and programs appear in a formal sense to be objective and impartial, they may be skewed in implementation by public administration to favour one set of ethnic claimants over others. This ethnic skewing can be applied to matters of substantial value, including government contracts, access to land, credit, capital, business licenses and foreign exchange, and to a variety of public services such as higher education, municipal amenities, housing, water supply and recreational facilities.” Esman ( 1997) in: Poverty in Mauritius, 2008

3

"In a period of

#### Reference 1695 - 0.01% Coverage

with partners working elsewhere.

20

"Some people argue that the Creole group is responsible for its own plight, that they do not have a culture of savings and that they have developed a culture of dependency. Many cultural stereotypes are attached to them. There is also the argument that they fled from the sugar camps and did not want to work the land but there is enough historical evidence now that they were made to leave the camps. Land which is a major asset was never appropriated by them. On the other hand as a consequence of the "grand morcellement", the Indians bought small plots of land. The possession of land by this group became an important means to sustain their livelihoods and also contributed to the mobility of the group. The landless poor are perhaps disproportionately present in the Creole group" Poverty in Mauritius, 2008.

21

Difference is mainly due

#### Reference 1696 - 0.01% Coverage

period, the former still prevails

amongst a relatively important section of the population. Enforced illiteracy had several consequences such as: a lack of opportunity to acquire assets, dispossession of land, denial of political rights, and these impacted on future generations in multiple ways. But illiteracy is the result of a system failing the children. Children fail the Certificate of Primary Education (C.P.E) exams without having mastered the skills of reading and writing. Schooling in Mauritius has not favoured an oral culture, which is generally closely tied to the 'being' of the child. Working-class children, particularly those of slave descent, have experienced multiple forms of identity repression and denial, making it hard for them to connect to schools with middle-class values and ethos.

resources and, in some cases

#### Reference 1697 - 0.01% Coverage

to the French colonists' resistance.

Slaves were violently uprooted from their countries of origin with no possibility of ever going back. The idea of a homeland or ancestral land was therefore lost forever.

Slaves brought to Isle de

#### Reference 1698 - 0.01% Coverage

was

possible under the slave

system. This made land and any form of property acquisition very difficult even after Abolition, when slave owners were compensated and exslaves abandoned to poverty.

women to 100 men should



#### Reference 1699 - 0.01% Coverage

in force under British rule.

Property and land acquisition

Slaves could not own any form of property or inheritance (Code Noir, article 21). Under British rule, (1829, Ordinance 43, 23), they could buy land but only through their master and with his approval.

Indians became landowners during the Great Parcelling which began in 1890. At the turn of the century, Indians had saved money and were soon able to buy land from their employers on very fair terms. Low-level managers of large estates were often rewarded with small amounts of marginal land by estate owners.

Human Rights Issue

Slaves were

#### Reference 1700 - 0.01% Coverage

Mauritius, was important in terms

of support and economic help. Acquisition of land, due to the accumulation of a small capital, the conditions of sale of the Great Parcelling, the emergence of an economic and a political elite under the benevolent protection of the British rulers, more prone to respond to their needs to make Indians compete with intellectuals, the Creole

#### Reference 1701 - 0.01% Coverage

within a triadic network of

relations that incorporates their attachment to the land for economic survival, to the village for their ethnic consciousness and to the Creolised Mauritian society at large for a definition of their national self". They were able to maximize their cultural assets and the benefits accorded by the British, as well as devise political consciousness and strategies to use education as a means of economic empowerment and social emancipation.

3.8 Slaves' and ex

#### Reference 1702 - 0.01% Coverage

that of slaves who were

deprived of their assets from the start. Differently from the Indian Elite which was organically linked with the working class and acted in the global interest of Indians as a group, the Creole elite emerged in the competitive and individualistic context of struggle for emancipation (which could only be nominal and personal) and of struggle for power in which education was considered as the emancipating tool. Writing about the Mauritian Creole elite, Simmons argues "many were becoming Franco Mauritians in all but colour" (Simmons, 1986: 372). Unfortunately, this elite was culturally alienated from the low working-class Creoles in its attempts to be accepted and co-opted by the White group. A well-organised Creole peasantry who could possess land and some capital did not even emerge in Mauritius in the Post-Abolition period. From such a group, perhaps an educated elite and leaders could have emerged, but that did not happen.

interested in the class

As

#### Reference 1703 - 0.01% Coverage

education. Many benefited from the free tuitions given by middle-class Creole teachers. But no leadership emanating from the Creole people advocated the emancipation of the poorest. The Creole peasantry was destroyed at the time of emancipation. Very few managed to save, acquire and keep plots of land. The poor economic situation prolonged the day-to-day lifestyle that prevailed during slavery. For the poorest, education was not, and could not be, a priority. Everyday food had to be found and this was possible only through work. No economic or socio-cultural organization could support collective initiatives. The class-colour divide between Creoles played an important role in the marginalization of the poorest. While there were solidarity and support from first Indian immigrants towards the late-comers, this did not exist for the slave descendants in a highly hierarchical racist social organization which was the legacy of the French period.

#### 4.6.2 Cultural Exclusion

#### Reference 1704 - 0.01% Coverage

provide a second chance to those who fail C.P.E., very few of the students actually get a second chance. The learning experiences and the assessment proposed to pupils persist in not drawing from the personal experiences of the children, nor do they relate to their specific learning styles. In short, what is learnt, how it is taught and how it is assessed has not changed much from the Primary School except in a few of the Prevocational Schools. Resources, especially those relating to practical classes, are often not available for children attending prevoc. Many of them complete their three years at PVE without knowing where they will land up; some do end up at NTC Foundation Course, but there is no research available to know what exactly happens to those young people after the few years of post-primary schooling.

#### Can we speak of Justice

#### Reference 1705 - 0.01% Coverage

their lives serving their masters.

EDUCATING THE DESCENDANTS The second generation of Indian immigrants did not want their children to continue in the same ruthless and hard path that they had to take. They witnessed too many injustices from the employers, as related in the report of the Royal Commission. So there sprang some among them who became social leaders, who began to think of ways of giving their offspring some education for a better life in future. Even as they toiled day and night to provide for their families, they also got involved in teaching in the vernacular language. And when that was possible, they dutifully sent their children to school for general education because otherwise, these children will be stuck in tilling the land for others.

Schools were few and far

#### Reference 1706 - 0.01% Coverage

villages opened their own schools.

1950: Unable to sustain the running of these schools, the supervising committee usually appealed to the Government to take over. One such school where Government stepped in helpfully was situated in Castel. However, the authorities wanted to give a new name to the school, that of a local land owner of Christian origin to the school. Given that the school was founded by Hindus, there was a huge protest and after much wrangling, the school kept its name and came to be known as Shri Shamboonath Government School.

• Mr. Bundhoo He was a

#### Reference 1707 - 0.01% Coverage

500 kcal for children) was

definitely inadequate to meet the total daily needs of the slaves who therefore had to produce or look for additional foods to supplement their rations. In fact, the land grants in the French period stipulated that one third of the land had to be planted in provisions for slaves (Teelock 1998). The fact that Le Code Noir contained clauses related to punishments for stealing food products and animals suggests that the foods rations were insufficient and that slaves had to steal for their subsistence. However, the stipulations of the Code Noir were rarely respected (Fokeer 1922).

The revised Code Noir of

#### Reference 1708 - 0.01% Coverage

result of high income derived

from their agricultural produce (to meet Government demand for food stuffs and naval supplies), the island could not feed itself and relied upon provisions from Ile Bourbon, Madagascar and India to survive. However, the agricultural sector was overall underdeveloped - in 1766, less than 200,000 of the island's 400,000 cultivable arpents had been distributed to colonists, and less than one-fourth of all granted land had been brought into production. In 1789, only 1,000 arpents were planted in cane and the colony contained only 8 to 10 sugar mills producing a mere 300 tons of sugar a year. On the other hand, the commercial sector was booming as a result of the designation of Port Louis as a free port in 1769. Therefore, the low level of commodity production at that time underscores the colonial propensity to pursue commercial rather than agricultural interests (Allen 1999).

Diet of slaves

Slaves were

#### Reference 1709 - 0.01% Coverage

French and African populations lived

partially on locally produced wheat, maize, potatoes, beef, pork goat and milk (Wilson 1946), the shift to a single cash crop economy was accompanied by much increased imports of rice and wheat from Madagascar, India, South Africa and other countries. Even so, the massive contraction of land producing any other crop than sugar cane must have severely limited the variety of foods eaten by slaves, thus reducing the quality of their diet (Baker 1996).

Food supplies to slaves The

#### Reference 1710 - 0.01% Coverage

every day or every week;

ii. Allocation of a plot of land (prescribed by Law) to slaves for cultivation of staples (this dated from the French period);

iii. Slaves were permitted to farm individual plots of land and grow their own provisions and rear cattle and poultry.

None of these could actually

#### Reference 1711 - 0.01% Coverage

transporting these goods to market.

were permitted to engage in petty trade (Teelock 1998, Allen 1999). Cash crop v/s staple foods By the 19th century, the practice of reserving one-third of estate land for planting food provisions for slaves was not widespread and many estates were in a state of abandon. Sugar cane became more popular and profitable and because of the labour shortage, slaves were not allocated to subsistence crops that would not yield revenue. Between 1808 and 1830, land devoted to sugar production more than quadrupled to 11% of the island surface area and over the same period, the area of cultivation of manioc or cassava (a staple of the slave diet) had been more than halved. Far more spectacularly, the area under cultivation of the various grain crops almost disappeared. Therefore, when required, sugar estate owners bought food supplies from Government or small estates to feed their slaves (Baker 1996, Teelock 1998).

Between a third and a

#### Reference 1712 - 0.01% Coverage

basis (Telfair 1830, Baker 1996).

The smallest estates produced only what was necessary for subsistence. The living conditions of the slave and owner were not vastly different and many of the owners were themselves destitute and could not feed slaves. In smaller estates that have enough land, it was common practice to allow slaves as much as they liked. However, there were wide differences in the amount and variety of food available between, and within, sugar producing districts, as well as between large and small estates (Teelock 1998).

On the sugar estates, slaves

#### Reference 1713 - 0.01% Coverage

such as cows, goats or

pigs. Estate owners allowed the rearing of animals inside the camp, in order to encourage labourers to stay on their estates. In the same way, some planters provided land to labourers for them to cultivate gardens (Boodhoo 2010).

Rice and dhol and other

#### Reference 1714 - 0.01% Coverage

producing relatively little food at that time, viz. maize, insignificant quantities of rice, some potatoes and other root crops, vegetables and fruits. The bulk of the food was, accordingly, imported from the East and Far East and from Australia. The whole island economy was dependent on a single crop (sugar cane) which constituted 97% of the domestic export value. As a result of the higher prices paid for sugar in the 1950s, land formerly used to produce food crops was diverted to sugar cane plantations, thus making locally-produced

foods (including animal protein and

#### Reference 1715 - 0.01% Coverage

became less abundant, with the increasing mobilisation of land for sugar cane plantation. Apart from the poor diet of adult slaves, slave women faced immense difficulties to care for, or properly feed, their young children leading to child malnutrition and high mortality.

With the transformation of the

#### Reference 1716 - 0.01% Coverage

diseases in Mauritius during the colonial period, the underlying causes of malnutrition were, most importantly, the low standard of living, followed by lack of awareness coupled with certain prejudices. The low standard of living of the labourers was the result of inadequate food rations, low wages insufficient to supplement their rations and too little food provisions from family production or gathering in the wild. The economic policy prioritising the production of cash crop (sugar cane) for export further decreased available land for food production.

In the latter part of

#### Reference 1717 - 0.01% Coverage

is also often engaged in organizing and conducting campaigns on road safety in collaboration of the Ministry of public infrastructure, Land transport and Shipping. The unit is also involved in seminars /exhibitions on road safety on several occasions to increase awareness.

Much progress has been made

#### Reference 1718 - 0.01% Coverage

the health status of individuals.

And yet, the history of human civilization on health and living conditions as far as slavery and indentured labour are concerned is a dark spot carved on stone. Historians, writing about the health of slaves and indentured labour in the 18-19th century Mauritius, have portrayed a picture that has left an impression of 'quasi torture' and an extremely harsh life with death as liberation from persecution (Teelock 1998, Barker 1996, Nwulia 1981). The general consensus is that these labour constituted an asset for the planter owners and a necessity for the colonial powers for the exploitation of land in pre-industrial times. Slave labour was so essential to the economy that the French colonists defied all attempts of the authorities to enforce

abolition of slavery. If the human labour force was a critical factor for the colonial administrations, inevitably the health of the slaves and the indentured labour should have been paramount to promote their interests. Was it so?

Two sets of conditions are

#### Reference 1719 - 0.01% Coverage

Unani medical systems among others.

Slaves as well as indentured labourers, arriving in the new land completely different from their homelands, adapted to new forms of healing and they constituted new pharmacopoeias. Plants had been introduced by naturalists and travellers and were acclimatized. Poivre, Daruty, Aublet, Rouillard, Guého and recently A. Gurib-Fakim have inventoried some of these plants. Names of plants that had been used by slaves and indentured labourers, and those that are still used to day by their descendants have been listed in the text. According to Guy Rouillard and

#### Reference 1720 - 0.01% Coverage

A. Nepveu, Paris, 1812.

10.

Pike, Nicholas, Sub-tropical Rambles in the land of the Aphanapteryx. Books of the Libraries Press, 1873.

Interviews - Mootoosamy Jay, herbalists at

#### Reference 1721 - 0.01% Coverage

5,000 and 20,000.

Subsequently, in 1986, a Commission of Enquiry on drugs was set up. The National Advisory and Research Council on Drug Addiction (NARCODA) was set up under the chairmanship of the Ministry Health in 1986, with representatives of various Ministries to coordinate the anti-drug activities. But as it did not deliver, the National Agency for the treatment and rehabilitation of substance abusers (NATReSA) was set up in 1996. The Police and the Customs and Excise Departments are responsible for the enforcement of the legislations against drug abuse and trafficking. Special Units have been set up, namely the Anti-Drug Smuggling Unit (ADSU). They are supported by the National Coast Guards in the surveillance of land, water and air routes. An important component in the fight against drug abuse and illicit trafficking is certainly drug education and proper use of information. The Brown Sequard Hospital was until 1986 responsible for the treatment of drug addicts. The National Centre for the Rehabilitation of Drug Addicts, Vacoas (NCRA) took over the medical treatment of drug addicts, i.e. the detoxification and then followed the assisted by the NATReSA.

Since 2002, there is a

#### Reference 1722 - 0.01% Coverage

are equally guilty.

Slave Trade

The slave trade to Mauritius was started to supply the island with cheap labour and as any commercial venture, as a profit-making activity. Without the establishment of a slave society and economy, there would

have been no Ile de France in the 18th century and no sugar industry in 19th century British Mauritius. While the economic contribution of the free persons to the setting up of the colony is amply recognized in daily life (street names, books, plaques, genealogies, buildings and archives) the memory of slaves who built Port Louis' infrastructure, who cleared the land for the first sugarcane, wheat, manioc and indigo plantations, who built and manned the French fortifications and naval squadrons, or provided the domestic labour in all households is barely known or seen in everyday life. Most Mauritians are unaware that the cobbled streets they walk on in Port Louis, the classified fortifications they visit, the 18th-century stone buildings they enter were built with the labour of slaves. The slave trade permitted many in Mauritius and France, to make small or big fortunes that later were invested in estates, land and businesses. Thus the fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th centuries. It is therefore crucial that

#### Reference 1723 - 0.01% Coverage

##### 4: PART VII – INDENTURED IMMIGRATION

Bhoodhoo, Lungon, and Bhudhram. Their labour contract was written in Bengali. The salary for the males was 5 Rupees per month, while for female labourers, four Rupees per month. The sirdar's salary was 10 Rupees per month and the assistant sirdar around 8 Rupees per month. They all received six months' pay in advance before boarding the Atlas. One rupee was deducted by Hunter Arbuthnot & Company to pay for the return passage to India. They had paid for the immigrants' journey from Calcutta to Port Louis. They were also to be provided with food, clothing, lodging and medical care. The ship also carried a large cargo of rice. On the 3rd November, Monday morning, Arbuthnot wrote to Governor Nicolay, requesting that: 'they be allowed to land 36 Hill Coolies from the ship Atlas, whom they intend to employ on their Estate, under guarantee that they shall not become a charge on the Colony'. Permission was granted. These first Indian labourers were, according to Brenda Howell, 'the pioneers of a migration which was eventually to transform the character of Mauritian life and industry.' Between November 1834 and April 1839, during the first wave of Indian immigration, around 25,468 Indians were introduced, amongst whom were around 23,281 males, 727 females and 175 children. Almost 15,000 came from Calcutta and Bombay and over 9,000 from Madras and modern-day Andhra Pradesh. More than half of these first Indian immigrants belonged to rural tribes known as the Oraons, the Mundas, Bhumijes, and the Santals.

In May 1839, immigration from

#### Reference 1724 - 0.01% Coverage

emigration depots.<sup>116</sup>

##### DEPOT MARRIAGES

Before their actual departures, intending emigrants had to stay at the emigration depots at the ports of embarkation in India for long periods of time to complete several formalities, so that required numbers could be counted. Apart from mostly single men and some married couples, there were a considerable number of single women, as well who were mobilised by the recruiters to meet the required quota of women for the emigration. As Hugh Tinker has pointed out, despite separate boarding arrangements and strict segregation of sexes, there were enough opportunities available for the immigrants of both sexes to interact. Such relationships served everyone's interests – for male immigrants found a partner in a land where Indian women were scarce, while women felt a sense of security during the voyage to the unknown. For the Colonial Authorities, it offered the promise of stability. Considering those pragmatic advantages,

the authorities approved these alliances and certificates of marriage were issued to immigrants, despite the fact that most of these marriages were not in conformity with the social-religious rites.<sup>117</sup> However, individual experiences of marriage

#### Reference 1725 - 0.01% Coverage

There were a wide range  
chase land a y Marriage Certificates 1850-1860  
d the reason for intermarriage

#### Reference 1726 - 0.01% Coverage

low compared to ex-appeal  
persons purchasing land (1839-1859)  
1839-1842 18.9

#### Reference 1727 - 0.01% Coverage

through  
aves, Freedmen apprentices  
women immigrated land due  
of Indian  
men and Indian

#### Reference 1728 - 0.01% Coverage

1849-1859 18.0% mentioned  
ed or expropriated land and  
uring, and after, the

#### Reference 1729 - 0.01% Coverage

Colony of Hong Kong."<sup>150</sup>

In between the periods of chaos, the population of China increased more rapidly than the country could sustain. In the 17th century, the population reached more than 100 million, and despite the "foreign invasion, civil war, outbreaks of rebellions, natural calamities and epidemics"<sup>151</sup> between 1620 and 1670, which had cut down half of the population, the population had tripled through the 1800s. By 1850, it was noted that the population had reached 430 millions.<sup>152</sup> As a result, the amount of food and land available for the population declined rapidly: "With acreage per capita  
Truth and Justice Commission 232

#### Reference 1730 - 0.01% Coverage



into the Creole population.”<sup>166</sup>

Apart from the few Chinese slaves identified, the presence of some other 300 Chinese slaves over a short span of time was also noted. In 1760, Le Comte D’Estaing captured 300 Chinese in the West Indies and brought them to Mauritius. Juste as J.P. Coen<sup>167</sup>, le Comte D’Estaing wanted to put to practice the ideas of a permanent Chinese settlement as existed in the colonies of the West Indies, in Mauritius. According to Wong Kee Ham (1996), this highlights that the Mascareignes Islands were in need of people to enhance the value and maintain small shops and business. The Chinese were reputed to run these types of activities, but in Mauritius, they were supposed to engage in other alien activities. The victims refused all the propositions of the officials to work in the maintenance of the gardens, or to cultivate a parcel of land granted to them, or to work with local planters. They claimed their right to return back to their natal country in a petition to the Governor Desforges, and the latter granted their request.<sup>168</sup>

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#### Reference 1731 - 0.01% Coverage

their contribution cannot be underestimated;

“As a Minority in Mauritius, the contribution of the Chinese Community has often been overlooked. It nevertheless brought enormous changes in terms of knowledge of the land, innovative ideas, leadership and enhanced our local cultural and religious diversity.”<sup>207</sup>

Till now, these shops are

#### Reference 1732 - 0.01% Coverage

locations on the Mauritian coast.

The number of slaves seized on land represent about 18% of all the Liberated Africans landed in Mauritius. The overwhelming majority or 82% of them were captured on the high seas and brought to Mauritius by the Royal Navy. They had to serve a period of indenture which lasted 14 years and in the process, they became known as ‘Government Apprentices’ or Liberated Africans. The slave traders who were prosecuted by the British Vice-Admiralty Court had to pay a total of £124,000 for fine-breaking imperial anti-slave trade regulations.

Landing of Liberated Africans

The

#### Reference 1733 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

By 1839, they were divided into three groups: the first group of around 1,979 Africans and the majority were employed privately by 660 mostly British Colonial and Military Officials, British residents and some Franco-Mauritian planters (Charles Telfair had 91 Liberated Africans). The second group was employed in the Offices of the local British administration and the third were enlisted in the land and sea forces. Governor Farquhar and the members of his inner circle hired 560 apprentices, or just over 23% of them. By 1827, there were 1,798 Liberated Africans still serving their masters and working in Government Departments.<sup>213</sup>

No Name of Apprentice

#### Reference 1734 - 0.01% Coverage

##### OF INSTRUCTION AND LANGUAGES TAUGHT

The steady development of 'Indian education' in Mauritius began only after the arrival of Arthur Phayre as Governor in 1874. Phayre's concerns were similar to Higginson – saving the Indian children from growing up as destitute.<sup>268</sup> However, he was clearer in his priorities and more in command of the situation than Higginson had been, and therefore he could attain certain landmarks in establishing an educational system for the children of Indian diaspora. The need for educating the children of immigrants was realised by colonial officials who witnessed the permanency in their settlement patterns. Those officials could visualise the growing prominence of Indian Diaspora in the economic realm of the island because of the large scale land acquisitions by the diasporic community. The Procureur Général suggested for government intervention in the education for immigrants, because he could envisage them as 'the future Lords and Masters of the land in Mauritius'.<sup>269</sup> In Phayre's opinion, English education was not of much use for the children of immigrant community, and he proposed languages spoken by the immigrants as the medium of education. In Phayre's scheme of education in vernacular medium, the Superintendent of Schools, Browne, noted his disagreement and proposed a two language system – English as the main language, and Tamil or Hindi as secondary language. He reiterated the scarcity of qualified teachers as the main obstacle for adopting the vernacular medium as the primary language of education. However, Phayre remained unperturbed and firmly decided to go ahead with his proposal of setting up of separate schools for immigrants' children in their own languages, especially Hindi and Tamil.

The medium of instruction for

#### Reference 1735 - 0.01% Coverage

elsewhere than in school."<sup>276</sup>

This might have some disadvantages for the spread of education among the Indian community if we compare it with similar experiences of spread of education in India, particularly in the tribal regions, but in overall terms, it should be regretted because it saved the immigrant from a several essentials of their identity which were very critical for their surviving negotiations in an alien land and social-cultural setting, religion being one of them.

In 1883, a committee was

#### Reference 1736 - 0.01% Coverage

and leased mainly to the

former agricultural labourers, and it still employed a significant degree of immobility because métayers or cultivators were tied to the particular estate. Morcellement was a more open system in which the subdivided estates were sold to the old immigrants who used the land for cane cultivation as well as to grow vegetables etc.

77 Report of the Protector

#### Reference 1737 - 0.04% Coverage

## CONTEMPORARY MAURITIUS

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Figure 3

#### Reference 1739 - 0.01% Coverage

and racial hierarchy was established.

A turning point was reached in the 1830s with the legal abolition of slavery and the importation of indentured labour from British India. Not only the trauma of slavery, but also the harsh conditions of apprenticeship and of abolition contributed to the leaving of sugar estates by ex-enslaved people. They were paid very low wages based on those of indentured labour and they lost the housing facilities and the land which they had been cultivating for decades. They could not reconcile their newly-acquired 'legal' freedom with their loss of basic necessities like land and housing. They were excluded from the new Capitalist System, and most of them earned a meagre living by fishing with primitive equipment and by working as stevedores, drivers and artisans. Many were somewhat permanently unemployed, forming a lumpen proletariat living on the margin of the plantation (sugar) economy.<sup>2</sup>

Moreover, the subservience of the

#### Reference 1740 - 0.01% Coverage

labouring classes and the poor.

By then, the internal dynamics of the economic system, through the need to modernise the Sugar Industry to face international competition, created the conditions for the parcellisation of land. In the process, those

excluded from the plantation economy did not, and could hardly, become buyers. On the other hand, those mainly from the ex-indentured labourers, the job contractors, the sirdars, the traders, the middlemen would become small landowners. A new social class of small and medium planters was born and a new business community and elite was in the making. The emergence of this new social class did not fundamentally have a major impact on the prevailing large lumpenproletariat and generally on the poor. The overall social structure would prevail, except with this new transformation: the plantocracy and the Colonial State would continue to be the supreme powers.

Another major turning point in

#### Reference 1741 - 0.01% Coverage

later of cheap contractual labour.

Commercial outlets and commercial supremacy led to industrial supremacy and vice versa. The various European Colonial Powers then engaged in an intense competition for markets for their industrial produce, for labour and land for their export-oriented industries in the colonies, and for the control of sea routes to reach their destinations.

This intense intercolonial rivalry led

#### Reference 1742 - 0.01% Coverage

settling and controlling in Mauritius.

To provide supplies to the ships, and given the prevalence of very fertile land, the Dutch started, to some extent, the development of agriculture: rice, fruit trees, vegetables, sugar cane, and indigo. The Dutch also brought in cattle and poultry.

For all the tasks mentioned

#### Reference 1743 - 0.01% Coverage

and the Caribbean Islands etc.

The colonists or new settlers brought with them European indentured labour to work on the plantations or to practise their badly-needed specialized craftsmanship (carpenter, tinsmith, etc.). These workers had a contract of between four and ten years and were paid wages. The driving force of the emerging industrial bourgeoisie in Britain towards colonising North America was the pursuit of profit; Lawrence James wrote: "The pursuit of profit remained the most powerful driving force behind Britain's bid for North American colonies."<sup>5</sup> At that time, the settlers were accompanied by priests who would reassure the colonists that "God intended that the land, usurped by unreasonable people (i.e. the natives), be redeemed by British settlement."<sup>6</sup>

Intercolonial rivalry was rife in

#### Reference 1744 - 0.01% Coverage

took on almost planetary proportions.

The third wave of British Colonialism reflected changes happening in the industrial and financial developments of the European Colonial Powers. Raw materials, labour and land became more and more important, leading to a scramble for Africa.

#### 1.6 Concluding Remarks

The

#### Reference 1745 - 0.01% Coverage

France, including 34 slaves 9.

Moreover, by 1726, there were land grants: the upper classes (i.e. l'état major de l'île) obtained 312 arpents known as 'grande concesssion', whilst soldiers and workers obtained 15610 known as 'petite concession'. The owners had to pay various taxes to the Government; this level of taxation and scarcity of labour caused many soldiers and workers to leave Ile de France.

Whilst Ile de  
France and

#### Reference 1746 - 0.01% Coverage

blacksmiths, carpenters, masons and tailors.

Furthermore, the Coloured People progressively accumulated some capital. The means to achieve this accumulation were through grants and the purchase of public land. Between 1748 and 1810, there were 410 such grants and sales.<sup>28</sup> Other means were through bequeaths and donations. Moreover, the property acquired was rather limited. In 1788, the Coloured People owned only 3.5 % of land, and by 1806, only 7.1 % of all inventoried land was theirs. By 1809, they were farming about 9 percent of all cultivated land.

Another source of revenue and

#### Reference 1747 - 0.01% Coverage

not given to this contribution.

However, just like the Dutch, the French would cause environmental degradation, albeit probably to a lesser extent. There was a demand for wood in India, especially in Calcutta. Fire was used to clear the land, and this had a very negative impact on the environment. As cited by Dr. Teelock, "under Company administration, deforestation had also occurred at an Admittedly, Pierre Poivre would try to control the situation.

alarming rate."<sup>33</sup>

Mauritius was

#### Reference 1748 - 0.01% Coverage

#### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

British officials and investors in the process. The shift, therefore, developed somewhat in earnest. Planters started to invest more, not only in land, but also in the improvement of sugar milling equipment. Thus, in 1819, Charles Telfair introduced horizontal rollers in replacement of vertical cane crushers at Bel Ombre.

This new technology made the

#### Reference 1749 - 0.01% Coverage

Mare factory by Adrien D'Epinay.

crushing more efficient in areas where water power was not available. This, until then, had to depend on animal or wind power, or even slave power for driving the mill. The number of sugar factories then increased rather dramatically from 60 in 1810 to 157 in 1823<sup>35</sup>. Sugar production progressively increased substantially as from 1815. The land area under cultivation equally increased substantially as from 1815, until well into the 20th century.

The rate of commercial sugar extracted from cane increased from 5 % in the period 1811–1820 to 6.00 % in 1821–1830<sup>36</sup>. And it is of interest to note that, already in 1806, 4,040 hectares of land were under sugar cane cultivation, whilst this became 3,636 hectares in 1812–1820 and increased dramatically to 10,504 hectares for the period 1821–1830<sup>37</sup>.

Moreover, planters were not happy with the prices they had to pay to Britain for their sugar, as they had to pay an additional 10 shilling duty, compared to the planters in the British Caribbean. The planters pressed the British Government to equalize duties on Mauritian sugar, and in this, they had the support of Governor R. Farquhar<sup>38</sup>. They sent memorials to the British Government in 1821 and 1823. In 1825, the Trade Bill was passed, and its impact on sugar production in Mauritius, on the economy and society of Mauritius would be far reaching, and beyond anyone's expectations. The area of land under sugar cane cultivation, and the production of sugar, grew at a very impressive rate as highlighted in the table below.

Table 1 Land under Sugar Cane Cultivation (Arpents) Year

1812–1820 1821–1830 1831

#### Reference 1750 - 0.01% Coverage

of British Colonialism in India

on land had caused an increase in landless peasants. With the maintenance of slavery in India, there is no doubt that, to some extent at least, this had contributed to the depression of wages of the Indian labour force; in turn, the prospective indentured labourers would be in a position to accept very low wages.

Thus, the following question arises

#### Reference 1751 - 0.01% Coverage

Barkly in British Guiana. 89

Further, the emancipated enslaved peoples perceived their freedom in terms of retaining their rights to free housing and to cultivating plots of land allocated to them during the days of slavery for years.

together with reasonable wages.

The

#### Reference 1752 - 0.01% Coverage

surrender these rights in the

name of freedom! Effectively, the planter H. Barkly of British Guinea, in response to a question from Mr. G. Berkeley, a Member of the Select Committee, had the following to say: "Berkeley: In British Guinea have you

known a belief to exist among negroes, that when they were made free the Queen gave them their houses and land.

Barkly: I believe that was

#### Reference 1753 - 0.01% Coverage

was told by the negroes

on Highbury estate, when I went there, that it was all nonsense that the Queen made them free without giving them a free house and land, and they called upon me to carry out that proposition, by giving up the houses and grounds.”<sup>90</sup>

Similarly in Jamaica, the evidence

#### Reference 1754 - 0.01% Coverage

Moreover, the gargantuan appetite for

fat profits by the planters, and the British credit houses, together with the active support of the Colonial State, drove them to look for alternative sources of labour, and especially very cheap labour. They found it in British India, where access to the vast reservoir of cheap labour and its relative proximity (and hence low transportation costs) would make it possible for them not to pay reasonable wages to the emancipated enslaved peoples or to give them access to free housing and land which they enjoyed for so many years. They would, thus, be able to compete more successfully with the West Indian planters, to expand further the Sugar Industry and to have a major share of the British market.

In fact, since during the

#### Reference 1755 - 0.01% Coverage

be excluded from the mainstream

economy, deprived of any wages and of any land and housing in an increasingly monetised capitalist economy. The subsistence economy, to which the apprentices were used, was threatened by the capitalist economy. Their marginalisation and exclusion would be accelerated with the massive importation of indentured labour.

3.6.2 The new

#### Reference 1756 - 0.01% Coverage

similar to those of slavery.

instituted, the driving force being the profit maximisation and capital accumulation of the French colons and the British traders/financiers with active support of the British Colonial State and Imperial Government. Nevertheless, whilst there was continuity in terms of exploitation, the system was not ‘a new system of slavery’ as proposed by Hugh Tinker. With wages, and free housing and other facilities (just like slave labour), some sirdars and indentured labourers would be able to save and buy land later on, thus creating a Planter Class. slavery.

That was impossible under

But



#### Reference 1757 - 0.01% Coverage

large number of establishments. Sugar cane was grown on numerous estates which were of different sizes. On account of the investment required and expenses involved, sugar cane could only be profitable on large sugar estates. Generally, estates with a large supply of slave labour concentrated on sugar cane cultivation which was the most labour-intensive crop. Sugar cane cultivation and slave-ownership went hand in hand. In 1830, only 74,839 of 272,022 inventoried arpents of land were under cultivation. There was still, at that time, a considerable amount of undeveloped land.

The advent of sugar cane

#### Reference 1758 - 0.01% Coverage

of established estates following emancipation.

The "Petit morcellement" arose from the general desire of the former slaves to acquire land and thus to affirm their emancipation from their former servile status. The process, which began in earnest in 1839–40, accelerated rapidly in 1841 and 1842 when the number of sales of estate land seemed to have reached its peak. The "Petit morcellement" may be seen as an outgrowth of the turmoil of the post emancipation situation.

It remained an important aspect

#### Reference 1759 - 0.01% Coverage

aspect of colonial life until

1846. Most of the estates comprised at the time large areas of uncleared and unused land. In 1830, only 74,839 of 272, 022 inventoried arpents were under cultivation.

The most pressing problem of

#### Reference 1760 - 0.01% Coverage

one-fifth of one district's

apprentice population had abandoned their homes and former masters within several weeks of acquiring their freedom. Large numbers of ex-apprentices occupied land after their emancipation often near the estates where their presence was perceived as a threat to public order and to the estates' economic viability.

The socio-economic realities of

#### Reference 1761 - 0.01% Coverage

of Colour.

As an early

solution to the labour crisis faded in 1840, estate owners moved to protect their interests. Hence, their attempts to bring back the ex-apprentices and tie them to the land through the "Petit morcellement".

According to Allen there is

#### Reference 1762 - 0.01% Coverage

Gomm to Stanley in 1846).

There, is thus, a need to examine the "Petit morcellement" in the light of the financial problems that many planters had to face at the time. There was a strong speculative element in early morcellement activity. The financial incentives to subdivide an estate could be considerable. The subdivision of estate land yielded returns of 100-200 percent on the original investment for both large and small land owners. The involvement of the Coloured Population in the "Petit morcellement" became especially pronounced after 1842, precisely at a time when the sugar industry's problems would have made tapping into the substantial financial resources held by some members of the Coloured Population an alluring option for many planters. The labour and liquidity crisis

#### Reference 1763 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Yet within the space of just a few years, the seemingly halcyon days of the mid-1840s had vanished. According to Dr. Mouat, a missionary, in 1852, many of the freedmen who had squatted on small plots of land, lived in a state bordering on misery and starvation. A decade later in 1864, some observers despaired about the future of the ex-apprentice population. For Governor Barkly in 1866, "a large proportion of the former apprentices had never been tempted by high wages or the ambition of raising their children in the social scale. They added little in proportion to their numbers to the exportable produce and wealth of the colony."<sup>96</sup>

##### 4.2 Indian Indentured Immigration

#### Reference 1764 - 0.01% Coverage

non-Indians were exempt.<sup>108</sup>

According to Allen, the 1860s were a turning point in the history of the Mauritius Sugar Industry which saw an extensive restructuration of the Industry with the parcelling out of large tracts of land on some estates and the merging of other estates into larger financially more viable units.

In  
the throes of a

#### Reference 1765 - 0.01% Coverage

mainstay of the Mauritian economy.

The expansion of sugar in Mauritius occurred within an extremely meager physical and financial infrastructure. For most planters, capital to invest in new machinery, land or additional labour was sorely lacking.

It was estimated, in 1828

#### Reference 1766 - 0.01% Coverage

150,480 tonnes in 1862.

Between 1852 and 1854, 17,859 arpents of land were put to cane and the total acreage under cane in 1865 was around 137,955 arpents. In 1858, there were 288 factories in Mauritius, the largest number of factories ever to operate in the island. Between 1850 and 1865, a total of 186,100 Indian labourers were brought in, with an average annual intake of over 11,600 male labourers.

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#### Reference 1767 - 0.01% Coverage

resources of a single industry.

Planters responded to the developing economic crisis by a process of retrenchment, less frequent calls for the importation of labourers, the rationalisation of manufacturing operations and the improvement of operations to increase efficiency and cut costs. Between 1863 and 1903, the number of factories declined by 70 per cent, from 255 to 80. Share cropping became increasingly common during the 1880s, and by the late 1890s, one-fourth of the island's sugar estates were engaged in this practice. At the same time, many estate owners began to subdivide their holdings and sell off small plots of land to Indian labourers.

From the second half of

#### Reference 1768 - 0.01% Coverage

it was checked in 1902.

After 1880, under the pressure of falling sugar prices and increasing competition for labour, some planters handed over part of their estates to their workers in the hope of binding them to the estates. Under the 'métayage' system (tenant farming), the tenant farmers cultivated their land with sugarcane which was taken to the estate factory to be crushed. The 'métayage' system gave way to "morcellement". Large portions of marginal or sub-marginal land were divided into small plots and sold to Indians, mostly for cash but also on deferred terms of payment. Between 1886, and 1895, there were 69 "morcellement" of estates in the island. A large number of Indians,

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#### Reference 1769 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

several of them part-time labourers on estates, thus occupied land, which estates could no longer work profitably and brought them back into production.

In 1907, Highlands Estate, with 2,975 acres under cane, was actually cultivating only 206 acres and had leased 2,419 acres to Indian small planters; on Reunion estate, planters cultivated over one third of the estate land. By 1907, Indian cane farmers owned 30 per cent of cane acreage in Mauritius, and produced 22½ per cent of the cane crop. According to Allen, the parcelling out of estates was a device by sugar estates, which were squeezed financially to appropriate the substantial sums owned by Indians in Mauritius. According to him, there is reason to believe that the Indian immigrants investment in property became increasingly important to the Sugar Industry's financial well-being as Mauritius economic crises deepened after the mid-1880s.

The extensive parcelling out of estate land, which began around 1875, heralded an important change in the organization of the Sugar Industry. Since 1858, the reduction in the number of factories allowed for important economies of scale. But the merging of factories required heavy investments and the sale of marginal land provided much-needed funds.

Allen asserts that the "Grand

#### Reference 1770 - 0.01% Coverage

and domestic servants (£7,327).

Many of the early sales of land to Indian immigrants in the 1840s during the 'Petit morcellement' were made by Creoles. The Creole landowners had often sunk all their capital in the acquisition of the land and did not have, or could not raise, enough working capital to cultivate it. As a result, many of these plots remained uncultivated many years after their purchase. The early 1880s, by contrast, saw the subdivision of an increasing number of sugar estates and other properties.

The beginning of the 'Grand morcellement' dates from around 1875. The parcelling out of estate land gained momentum during the 1880s and 1890s. By 1895, the scale was such that the Governor, Sir Charles Bruce characterized the increasing pace as 'inevitable'. He also noted that the Colony's sugar factories were being improved to handle the cane-produced by the growing number of small planters. He estimated, in 1896, that at least one-fourth of the year's sugar crop had been produced by small planters.<sup>139</sup>

'Morcellements' and the use of

#### Reference 1771 - 0.01% Coverage

the traditional sugar estate.<sup>140</sup>

In the same vein North-Coombes has argued that the initial acceptance and the subsequent opposition of the Colonial Establishment and ruling class to the use of an Indian peasantry and urban petite bourgeoisie can be explained by the fact that these activities would not only constitute competition for land but also the withdrawal of labour from the sugar sector.

The main advantages of the

#### Reference 1772 - 0.01% Coverage

according to A. Jahangeer Chojoo.

The Indian traders expanded their business interests in Mauritius. They lent money to those buying land, taking mortgages on the land. They would participate equally in parcellisation of land or provide finance to those involved in land parcellisation.<sup>153</sup> Further, as their business developed, they became big financiers, investing in the sugar industry. For example, Jackaria possessed the largest sugar estate of more than 6,000 arpents by 1908; another would become a sugar factory owner<sup>154</sup>. Moreover, they provided finance to the sugar industry and acted as agents for the exports of sugar to India. They played a most important role in that context; Sir Philippe Raffray wrote:

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#### Reference 1773 - 0.01% Coverage

### Social Stratification of Indian Immigrants

In the nineteenth century, the Indian immigrants consisted of traders and free passengers, whilst the indentured labourers would constitute the major component of Indians to settle permanently in Mauritius. Since the very beginning of their settlement, there was a certain degree of social stratification. With land parcellisation and the development of the economy, this stratification would be given a new boost.

social

Prior to the land

#### Reference 1774 - 0.01% Coverage

given a new boost.

social

Prior to the land parcellisation, a commercial bourgeoisie had already settled, together with a growing middle class consisting of job contractors, sirdars, traders, middle-men, money lenders, intellectuals, then a class of planters (overlapping to some extent with the middle class). The labouring class would consist of small planters/labourers, landless labourers, gardeners and other manual workers on sugar estates. Whilst the different social classes would adapt, or try to adapt, to the existing colonial society, the agricultural labourers would be facing acute economic exploitation and social exclusion on the sugar estates, leading to their resistance in the form of the well-known protest of 1871, amongst others.

The social stratification is of

#### Reference 1775 - 0.01% Coverage

### Environment and the Sugar Industry

The expansion of the Sugar Industry had a major impact on the lands, on the forests and on the natural environment. The need for land and for fuel to satisfy the expansion of the sugar industry had led to the felling of trees and the general destruction of forests. This destruction was particularly pronounced in the 1850s and 1860s.

By 1871, the Governor, Sir Arthur Gordon, was aware of the critical situation and “tried to stop more forests from being cut down, and to grow trees along rivers and streams as well as on mountains”.<sup>156</sup> In August 1880, in a comprehensive report ‘Report on the Forests of Mauritius, Their Present Condition and Future Management’, R. Thompson highlighted that “the want of fuel hitherto has not been much felt in the colony, owing simply to the extensive felling operations which have been going on during the past thirty years in the indigenous forests of the island [...]”<sup>157</sup> The Sugar Industry needed land not only for sugar cane cultivation, but wood (hence forests) for fuel to be used in the manufacture of sugar. The evolution of the area of land under sugar cane cultivation is revealing, as per Table 19.<sup>158</sup>

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#### Reference 1776 - 0.01% Coverage

### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Table 19 Land Area under Sugar Cane Cultivation (1820 – 1880) Year

1821 - 1830 1831 - 1840 1841

#### Reference 1777 - 0.01% Coverage

1860 1861 - 1870 1871 - 1880

Land Area (Arpents) 26,000 40,000 59,500

110,000 124,000 123

#### Reference 1778 - 0.01% Coverage

000 124,000 123,000

The area of land under cane cultivation more than doubled between 1850 and 1870 from 59,500 arpents to 124,000 arpents. Similarly, sugar production more than doubled from 55,468 metric tons in 1850 to 126,980 metric tonnes in 1869. The demand for fuel obviously increased significantly.

The impact of deforestation is multidimensional; it affects the natural environment, agriculture and the health of the population at large. The soil is affected in such a manner that it encourages further deforestation by the sugar planters. In Mauritius, the soil is shallow, and when only reclaimed from forests, it carries a layer of humus of from two to six inches (i.e. 5 to 15 cms) in depth. The presence of this humus makes the soil extremely fertile and is especially suited for the cultivation of sugar cane. When exposed to sunrays and hot air, this humus decomposes and becomes dry and powdery and is no longer suitable for sugar cane cultivation. The sugar planter then abandoned it and used land which was still under forest; hence further deforestation took place.<sup>159</sup>

The destruction of forests had

#### Reference 1779 - 0.01% Coverage

reasons to justify that recommendation:

i. "The whole of the central ridge of the table land of the island, and which is the great watershed in which all the larger rivers take their rise, requires to be permanently retained under forests."

ii.

"Protection is what is

#### Reference 1780 - 0.01% Coverage

as they remain at the

The second key recommendation made was that: "the Mountain Reserve Lines, to maintain Mountain Reserves at all, must be lowered". It was understood that the Colonial Government would compensate financially forest-owners for the 30,000 or 35,000 acres to be bought. Moreover, for the lowering of Mountain Reserve Lines, Thompson recommended that this could be done either by purchase of the land involved or by proclamation under existing law. There was an old French Law which made provision for these reserve lines and which was interpreted strictly. Thereafter, amendments made under Ordinance No. 13 of 1875 (which governs forest property whether public or private) are such that these mountain reserves are no longer such but in name.<sup>162</sup>

The third and last key recommendation worth mentioning was the need to survey and demarcate the Crown Lands. It was then believed that more than 13,219 arpents of land were in a state of doubt and uncertainty as to legal ownership.

There was another report by F. Gleadow<sup>163</sup> on the management of forests and on advising Government on the purchase of lands for forestation to the value of Rs 1,500,000. Firstly, it is of importance to note that, according to F. Gleadow, the sum of Rs 2.9 million rupees was spent to buy about 25,000 arpents, most of which were recommended by R. Thompson. Secondly, the Report mentioned "the corruption of subordinates need not be insisted on. It is the natural corollary of the want of supervision". According to Barnwell and Toussaint<sup>164</sup> there was widespread corruption with regards to the management of forests. Important planters, some of whom were members of the Council of Government cut down trees on Government lands near their estates. Further, according to Gleadow, Government surveyors drew false boundaries for Government lands, thus giving away Government land to estate owners. The latter rewarded these same Government surveyors with large bribes.

#### 4.8 Concluding Remarks

After

#### Reference 1781 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

The major social transformation resulting from the parcellisation of land would not affect the fate of the labouring classes, both on and off the sugar estates. Land parcellisation and métayage ensured that the expanding sugar factories were being run as efficiently as possible with sufficient supplies of sugar cane.

With repeated crises in the

#### Reference 1782 - 0.01% Coverage

material for the Agro-Industry.

However, following the economic crisis of 1847, there was a brief revival of some imperial preference for colonial sugar, but by 1874, all sugar tariffs were dismantled. Mauritius then went through some very tough times as from the 1880s till the 1940s. On top of low sugar prices, stiff international competition demanded that costs of production should be reduced. German subsidies depressed world prices which applied to transactions in all markets. Competition from Java and from even Germany and Austria in the main markets of Mauritius required a significant lowering of costs of production. This meant capital investment in the modernisation of factories and improvement in terms of sugar-cane cultivation. In the latter case, very cheap labour was of great help to the plantocracy. In the former case, there was the 'grand morcellement' referred to in Chapter 4, whereby the plantocracy mobilised funds by selling land to indentured labourers. Further, there was the merger of factories which had already started since the 1860s; this process is typical of the Capitalist System, as highlighted at the Mauritius Sugar Industry Conference of 1927 through the following statement:

"In relation to the reduction

#### Reference 1783 - 0.01% Coverage

##### 1909 5.2.1 Background

In addition to the low price of sugar and the uncertainties of the international sugar market, there were some other events which accentuated the economic depression at the turn of the twentieth century in Mauritius: the severe cyclones of 1892, the bubonic plague of 1899, the surra disease of 1902, the increase in prices of basic foodstuffs like rice and dhol. In 1907, the Mauritius Chamber of Agriculture asked the

Colonial Government a loan of £600,000 to help sugar planters in improving the machinery of their factories and requested the Government to borrow £100,000 (1 £ = Rs. 15) for purchasing land in the context of its programme. The Secretary of State for the colonies did not agree with such a loan and suggested that there should be a Commission to investigate the condition and resources of the Colony. The Action Libérale, a political organisation /party, and other social/political forces campaigned for the setting up of such a Commission. In the end, the Royal Commission to inquire into the condition and resources of the Colony of Mauritius was set up in May 1909.

#### 5.2.2 The Overall

#### Reference 1784 - 0.01% Coverage

the Royal Commission of 1909<sup>174</sup>.

According to these documents, at that time, there were 143 sugar estates with an overall acreage of nearly 80,825 hectares (200,000 arpents). Of these, 66 had a sugar factory and 77 did not have one. All the land forming part of the sugar estates were not under the cultivation of sugar, and a small percentage (10.3%) was under cultivation of other crops. As information on the cultivation of land by small planters on and off the sugar estates was not provided, it is not possible to consider the extent of sugar cane cultivation from the documents.

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#### Reference 1785 - 0.01% Coverage

#### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

The breakdown of the acreage of the 143 estates is given in Table 21. Table 21 Distribution of Estate Land by Acreage

Owners Acreage (Hectares) 0 – 40

#### Reference 1786 - 0.01% Coverage

4%

Total 143 100.0%

The main features of the distribution of the estate land by acreage are: 26.6% of estate owners owned less than 202 hectares (500 arpents), 19.6% owned between 202 and 404 hectares (500 – 1000 arpents), whilst 51% owned between 404 and 1617 hectares (1000 – 4000 arpents). Only 4 estates had acreage above 1617 hectares (4000 arpents).

As far as ownership is

#### Reference 1787 - 0.01% Coverage

7.7% of the owners.

Moreover, in terms of acreage of land owned, the British would have a relatively larger share of 15.8% than their percentage of ownership indicated. Table 23 gives the details.

Table 23 Distribution of Acreage of Land by Social Categories

Category Hectares (Arpents) % French/British



#### Reference 1788 - 0.01% Coverage

of interest and from shopkeepers.

The whole process of morcellement or parcellisation of land by estate owners and the purchase of the land by the new small planters can be illustrated by the following example<sup>175</sup> which reveals the problems faced by the emerging small planter class.

In 1900 and in 1901, there was a case of parcellisation of 283.2 hectares (700 acres) of land worth Rs. 180,000 by a planter, the Honourable L.G. Antelme. Thus the average price was Rs. 257 per acre (0.404 hectare). The purchase price ranged from Rs. 100 to Rs. 1,000 per acre, to be paid in five yearly instalments with interests at the rate of 8 percent per annum. Further, the landowner made an advance of Rs. 30 per acre to each buyer for 'faisance valoir', i.e. to cover the operational costs.

Firstly, a plot of 103

#### Reference 1789 - 0.01% Coverage

fully paid the purchase price.

Secondly, another plot of 91 hectares (226 acres) was bought by 183 small planters, giving an average of 1.2 acres (0.47 hectares) per buyer. By 1909, the small planters had not completed their payment for the land. The two sales together gave an average of 1.7 acres (0.69 hectares) per small planter.

Finally, for the last portion of 89.4 hectares (221 acres) left out of the original 283.2 hectares (700 acres), the small planters could not pay for their plots of land. They abandoned the land and went away. They had paid only part of the purchase, and left, after having paid back the advance of Rs. 30 per acre to the landowner. But, the small planters left because the landowner stopped providing the advances for faisance valoir since 1907, and he claimed he had no available capital to do so. According to him, those who had not paid up half the purchase price of their plot of land abandoned them. The average of 1.7 acres (0.69 hectares) per small planter can be used to estimate that about 130 planters were involved in the purchase of the remaining 89.4 hectares (221 acres) and who later abandoned their lands. Thus from this case, about 30 % of the new small planters abandoned the land. More research is required to ascertain whether this was a representative sample. It appears that the small planters had not paid the full purchase price, even after more than five years, and many lacked the necessary capital for the operational costs of cultivating the land. As a result, they became dependent on the landowner for any required finance.

Some small planters resorted to middlemen who claimed exorbitant rates of interest. There was one case who borrowed Rs. 395 from a middleman and after two years, he had to pay Rs. 1,984 which represented capital and interests. In Paragraph 75 of the Report of the Royal Commission 1909, the authors highlighted that "they may adopt the cheaper but more dangerous method of a conditional sale of their land, or they may borrow from Indian or Chinese money-lenders at native rates of interest, which may be anything up to 60 or even 120 percent per annum."

The need for access to credit was cruelly felt by the small planters. Whilst some succeeded in mobilising their savings, etc., others could not and lost both land and money in the process.

5.2.6 Labour and

#### Reference 1790 - 0.01% Coverage

in medicine and public health.

With the very narrow limits of Mauritius in terms of land and natural resources, the threat of overpopulation clouded the island's future prospects and the very real danger of a Malthusian nightmare scenario dominated Government policy in the 1960s and 1970s.<sup>188</sup>

During the 1950s, the economic growth of Mauritius depended essentially on the expansion of the sugar output. As mentioned above, 1959 marked the peak of Mauritius post-war prosperity based on sugar. 1959 was also a major land-mark in the Island's political development with the promulgation of general elections based on universal suffrage.

As happened elsewhere, economic prosperity

#### Reference 1791 - 0.01% Coverage

of building new concerns."<sup>191</sup>

The high concentration of land and resources in the Sugar Industry and the segmentation of the financial market produced inefficiencies in the allocation of resources and a lopsided pattern of development. In addition to the economic factors which can explain the predominance of the Sugar Industry in the island economy, there were also political and institutional factors at work which strengthened the hold of the Sugar Industry on the country's affairs. During colonial times, the plantocracy played a prominent role in the formulation of Government policy through its representatives on the Government Council. There was then an effective partnership in the administration of the island between the colonial establishment and the industry's representatives. The presidents of the Chamber of Agriculture were regularly consulted by the Governor on important matters and their opinion and advice were communicated to the Secretary of State in London.

Political and institutional factors have

#### Reference 1792 - 0.01% Coverage

remnants of the old order.

#### 5.3.4 The Diversification of the Economy 5.3.4.1 Land Settlement Scheme

There were attempts in the

#### Reference 1793 - 0.01% Coverage

contributed partly to that endeavour.

In 1947, the Colonial Government appointed Mr. J. Bett as a Land Settlement Officer with the following terms of reference:<sup>193</sup> i.

ii.

iii. iv.

To investigate

#### Reference 1794 - 0.01% Coverage

<sup>193</sup> i.

ii.

iii. iv.

To investigate the possibilities of Land Settlement in Mauritius; To inaugurate such scheme as to be approved; To set up the first settlements;

To train up officers to maintain the scheme after the departure of the Land Settlement Officer.

It must be noted that, already in 1944, there was a Land Settlement Committee which prepared a Report on Land Settlement; this report was most useful to Mr. J. Bett and the project was part of an attempt to increase food production. The Cooperative Societies were consulted in the process by Mr. Bett. At that time, sugar production dominated the economy and the lives of the people of Mauritius. Then, agricultural production was distributed as follows:<sup>194</sup>

Table 24 Agricultural Production Crop

#### Reference 1795 - 0.01% Coverage

became tenants on subsequent schemes.

[...] the provision of a career on the land under reasonably attractive condition should act as a brake on the 'drift to town' movement.

[...] The setting up of a useful and contented food producing community on the land is of permanent importance in the Island's social and economic structure and it is the purpose of a Land Settlement Scheme to put into operation such an organised plan."

Applying the brakes to the

#### Reference 1796 - 0.01% Coverage

another objective of the scheme.

Mr. Bett identified the following regions/localities to implement the scheme: (i) Rose-Belle, (ii) Crown Land Dick and Wooton and other Crown Lands, near Curepipe, (iii) Hermitage (iv) Chamarel, (v) Coastal areas with reasonable rainfall – Belle-Mare, Volmar, Trou D'eau Douce, Petit Sable, Grand Sable, St. Felix and, (vi) Areas at a moderate elevation, with a moderate rainfall: Trianon, Moka (Mon Désert), Long Mountain, Crève Coeur, Sebastopol.

These regions constituted about 4047

#### Reference 1797 - 0.01% Coverage

low as possible, 2 %-3 %.

A large part of the capital expenditure for land would require to be put into a special land fund in order to be available for the purchase of land in large portions, if this was necessary. A sum of Rs. 2,000,000 should be ear-marked for this purpose.

This project represented the first

#### Reference 1798 - 0.01% Coverage

on the prosperity of its

members, the French Law of Succession, criticised by the Royal Commission, acted as a hindrance to the prosperity of the members (and hence of the cooperative bank) through the subdivision of any plot of land

for succession purposes. S. Wilberforce made a gender-biased proposal, consonant with the demands of the Indians before the Royal Commission of 1909:

"In the first place, I

#### Reference 1799 - 0.01% Coverage

Government of Mauritius, found that:

"The societies, so far in existence, are not only confined to credit and to one community but also to one particular occupation only, namely sugar cultivation, and to those who own or occupy land suitable for this purpose."<sup>210</sup>

Another issue of importance was

#### Reference 1800 - 0.01% Coverage

27.5 % and 25.1 %.

Moreover, some sugar estates were making profits over the years, whilst others operating at losses were partly badly managed at the time of the boom year of 1921, when sugar prices rose to £90 a ton: buying estates at high prices and extending sugar cane cultivation to not very productive land.<sup>216</sup>

Further Elliott and Loughlane noted

#### Reference 1801 - 0.01% Coverage

introduced the Commonwealth Sugar Agreement.

Following in the footsteps of Dutch and French Colonialism, British Colonialism proceeded with slavery until 1835 and then introduced indentured labour. These two systems were born out of the needs of Colonialism and of Imperial Britain in the context of colonisation. Corresponding social and economic structures were developed: the bourgeoisie, a small minority of ex-colonists, owning land and other means of production at one extreme, and at other extreme, cheap abundant and efficient labour. An intermediate social class of so called 'Coloured Population' initially and later, an intermediate/middle class of traders, middlemen, professionals, small planters, emerged. The labouring classes and the poor were like commodities whose price (i.e. wages) were kept low; and generally, there was social exclusion. That exclusion was worse for those of the labouring classes and the poor who were not part of the mainstream Capitalist Sugar Economy. Colonialism ensured this continuity in its structures, with the formal end of slavery, and indentured labour was carried over into the twentieth century.

When there was resistance to

#### Reference 1802 - 0.01% Coverage

Union St Aubin Sugar Estate.

The Loss of Cane Land

The closure of several factories

#### Reference 1803 - 0.01% Coverage

hectares (33034.1 arpents).<sup>250</sup>

The loss of cane land has been particularly high among small planters. They cultivate tiny plots of less than one arpent and their holdings are often fragmented into minuscule and scattered parcels which increase the cost of cultivation. Besides, on account of the fairly frequent occurrence of adverse climatic conditions and lack of good husbandry, their yields have deteriorated over the years and many small planters are cultivating sub-marginal plots on which the yield is only a fraction of that obtained by sugar estates and large planters. Due to the absence of adequate records, their title of ownership is also often problematic. Moreover, much of the land is not irrigated or rocky. With the meagre yields which they obtain in return for all the exertion and resources which they devote to cultivating their plots, small planters are particularly prone to be attracted by the alluring opportunities and high prices offered by promoters in the tourism industry and the lucrative property market.

Clouds on the Sugar Horizon<sup>251</sup>

#### Reference 1804 - 0.01% Coverage

to a completely different picture.

The cancellation of the Sugar Protocol in 2009 and the sharp 36% reduction in the EU prices between 2006 and 2009 have compelled an urgent realignment of production costs in the Sugar Industry with the price fixed by the EU. The implementation of the measures prescribed by the MAAS and the Action Plan has led to a large retrenchment of the Sugar Industry labour force. For this purpose, the Government and the Sugar Industry finally agreed on a set of conditions and a compensatory package for the loss of employment in order to achieve the required reduction in the labour force whilst preserving industrial peace. This led to the establishment of the Voluntary Retirement Scheme (VRS). The VRS is in line with the right-sizing of the labour force and a reduction in the labour costs in the Sugar Industry. It offers a package to all employees of the Sugar Industry, wishing for an early retirement. Priority is given to those aged 50 and above. The package includes compensation in terms of cash payment, as well as land entitlement (about 300m<sup>2</sup>), exemption from income tax in respect of the cash and land compensation payable and housing loans at preferential rates.

To date, around 15,000

#### Reference 1805 - 0.01% Coverage

have benefited from the scheme.

Moreover, a major shortcoming of MAAS has been the rather disturbing overlooking of the issue of water rights; sugar factories used to have special water rights, but with their closure, there was the need to look into the issue, given especially the prevailing problem of accessibility to water. Further, the implementation of MAAS has had some significant problems. In the case of métayers, some of them from the South were unhappy that the case of possible buying of their land was not given sufficient consideration by the authorities. As far as labourers were concerned, a rather large number of those who have taken the Voluntary Retirement Scheme II were still not given their plots of land of seven perches by 2011. There are claims that the Government Departments concerned are taking much time to process the dossier.

#### 6.4 The Sugar Sector

#### Reference 1806 - 0.01% Coverage

form of value-added sugars.

As per the Mid-Term Review of the MAAS, in terms of production, the 520 000 t. of sugar envisioned as an average production in the MAAS appear to be unattainable. In fact, an average production of 450 000 t. over the next five years seems more realistic. It is noted that the first crop estimate, for the 2010 crop stands at 450 000 t. The figure of 450 000 t. takes into account, firstly, a climatic regime more akin to the 2006 - 2009 period; secondly, the movement of land away from agriculture, for example the 2000 arpents under the 5 December 2007 deal, infrastructural needs of the country and the 920 hectares (2276.5 arpents) of the Highlands Project; thirdly, the removal of 1500 hectares (3,711.7 arpents) planters; and fifthly, a moderate

#### Reference 1807 - 0.01% Coverage

a moderate derocking/regrouping scheme.

of land found in Irrigation zones; fourthly, land abandonment by small It was suggested that an aggressive plan at the level

#### Reference 1808 - 0.01% Coverage

Further, enhanced cane supply would

impact positively on the milling sector and other sugar/cane based downstream sectors, at a time when equity participation by employees and small and medium planters is being stepped up. Fourth, improved viability impacts positively on the 'pro-poor dimension' which is furthered given the participation of SMEs in the Field Operations Regrouping and Irrigation Project and lastly, land under cane, as opposed to abandoned land, affords better protection and preservation of the environment and fits well in the Maurice Ile Durable project and complies with the environment concerns of the EU. The extent to which all these objectives have been met needs to be evaluated.

#### 6.6 The Voluntary Retirement

#### Reference 1809 - 0.01% Coverage

##### 6.6.1 Historical Background

In 1993 and 1994, with the closure of sugar factories St. Antoine and The Mount, the Government and the Sugar Industry agreed to provide for a compensation for the employees in cash and kind, i.e. a plot of land for each employee.

Thereupon, in 1997, Government came

#### Reference 1810 - 0.01% Coverage

was the recommendation that employees

affected by a factory closure would be offered compensation in cash and in kind, if they accepted to voluntarily terminate their contract of employment. The cash compensation was equivalent to 2.5 months per year of service and in-kind compensation in the form of a plot of land of an extent ranging from 540 to

720 square metres, with all infrastructural works. Moreover, the children of the employees are entitled to scholarships.

In 2001, this principle of

#### Reference 1811 - 0.01% Coverage

having more than a certain

age. For the other employees, the employer has the liberty to choose to whom he makes the offer of a VRS but the decision to accept or reject the offer rests solely with the employee. This is the Early Retirement Scheme. Moreover, the older category was entitled to higher cash compensation, two months' compensation per year of service, plus the possibility to draw an early pension, as compared to 1.25 months on average for the others. The cash and in-kind compensation were to ensure the financial security of the planters. The provision of land is also highly valuable, providing a means to grow subsistence crops and/or to build a house, whilst at the same time it is an asset that can be handed down to their heirs.

Depending on the category and the age of a VRS employee, he/she secures 4 to 6 times more compensation/value (value of land) than an employee Truth and Justice Commission 402

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#### Reference 1812 - 0.01% Coverage

II concerns around 6,000

agricultural and non-agricultural workers and many of these workers are replaced with workers employed on a seasonal basis in the short term. Over time, however, it is expected that the number of seasonal employees will be reduced. The cost of the new VRS amounted to more than Rs 3.6 billion, with an internal rate of return of 5 per cent. Cash compensation is paid in year one, while infrastructure costs and other social costs are incurred in years 2 and 3. Since higher number of employees accepted the VRS and the cost of infrastructure in respect of land given to the employees has gone up, the total costs of the VRS II has been revised upward from € 47 to € 97 million. The costs of VRS II amount to 14.4 per cent of total costs involved in the restructuring of the Sugar Industry.

The cost of the VRS

#### Reference 1813 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

SLDC, Rose-Belle SE and the SIT. In late 2008, Cie Sucrière de St. Antoine Ltée applied for the VRS 2 and payment of cash compensation was effected in December 2008. As at January 2009, 6,628 employees have opted for the VRS 2 and a total amount of Rs. 3.1 billion has been paid as cash compensation. If ERS, La Baraque, Belle Vue, Medine and FUEL, and Blue Print, St. Felix, Mon Trésor, Riche-en-Eau and Mon Désert Alma, employees are included, some 7,400 employees would be concerned with cash compensation representing some Rs. 3.74 billion<sup>258</sup>. Land to be converted would amount to 350 hectares (866.1 arpents). In May 2010, there were 78 sites which are to be given to employees having accepted the VRS 2, the ERS and the Blue print for factory closure. Ultimately, some 385 hectares would be needed. Of these 385 hectares (952.7 arpents), some 300 hectares (742.4 arpents) would be transferred to the employees after deducting roads, green spaces etc and at a market value of Rs. 13.5 M per hectare (2.475 arpents), some Rs. 4.05 billion

of value would be transferred to the employees. The successful implementation of the VRS and land compensation is to be completed by 2012.

#### 6.6.2 Assessing the

#### Reference 1814 - 0.01% Coverage

and parents.

The second section

covers the last occupation of the respondent in the Sugar Industry and the third section includes their present activity or occupation and their daily/ monthly expenses, as well as the amount and use of compensation and land which they obtained together with training received in different fields. The fourth section analyses the social and psychological dimension of the Scheme by analyzing the community life of the VRS beneficiaries.

Lastly, they were asked to

#### Reference 1815 - 0.01% Coverage

Landownership by Parents and Grandparents

Further, we also analyse landownership by parents and grandparents of the VRS beneficiaries. Table 40 is a cross-tabulation on landownership. We argue that 24.4 per cent of the respondents' grandparents possess land, while 52.3 per cent of the beneficiaries' parents have a plot of land. Landownership is an important factor that has caused many to work on the sugarcane fields. However, in the sample, we also note that for many their family did not possess land. This can also explain the reason behind the favourable reception of the VRS package by the sugarcane workers, since the package includes, not only cash compensation, but also a plot of land.

In the Mauritian  
context, land

#### Reference 1816 - 0.01% Coverage

of land.

In the Mauritian

context, land acquisition is an important asset and represents for the elderly, in particular, an undeniable achievement for their hard work on the estates. From Table 40, 51.2% of the labourers currently own a plot of land.

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#### Reference 1817 - 0.01% Coverage

Parents and Grandparents Did your  
have land?

Did your have land?

grandparents Yes Count

% within. Did



#### Reference 1818 - 0.01% Coverage

have land?  
grandparents Yes Count  
% within. Did your grandparents have land?  
% within. Did your parents have land?  
No Count  
% within. Did your

#### Reference 1819 - 0.01% Coverage

parents have land?  
No Count  
% within. Did your grandparents have land?  
% within. Did your parents have land?  
Yes No 53  
16 76

#### Reference 1820 - 0.01% Coverage

41 Landownership of VRS Beneficiaries  
Do you possess any land?  
Yes No  
Unspecified Total  
Frequency

#### Reference 1821 - 0.01% Coverage

Health Not Affected  
Tired Pains  
Others 6.6.2.6. Cash Compensation and Land  
In addition, when receiving their

#### Reference 1822 - 0.01% Coverage

##### 6: Use of Cash Compensation %

With regard to the land, which they were entitled to, under the VRS, around 89 per cent of the surveyed respondents have not yet obtained their plots of land at the time of the survey. For the 11 per cent who have received their land, most of them (78 per cent) are not aware of the type of land they obtained. Around 8 per cent and 14 per cent of them received respectively agricultural and residential land. The land has more often been given to children (for 4.9 per cent of the respondents) or been used for cultivation (2.1 per cent) or can still be used for house construction (1.8 per cent) and 1.1 per cent of the beneficiaries sold the land.

#### 6.6.2.7 Present

##### Reference 1823 - 0.01% Coverage

cooperative division in the Ministry.

The Medine Camp de Masque Cooperative Credit Society had a long history in the traditional sugar sector. It was formed in February 15, 1914. Its members are mainly small-scale, part-time planters with less than one hectare (i.e. about 2.3 arpents) of land and its main activities are loans, procurement and marketing. The society gets involved in the community and further helps its own members by contributing to the setting up of an Information and Technology Centre as well as a cooperative store. Moreover, strong family ties tend to influence the choice of people to occupy certain key positions like the post of Secretary. Thus, it is written that "for example, the secretary of the cooperative is the third generation cooperative member (his grandfather was one of the founding members and his father was a secretary for years as well) and remembers growing up in the cooperative." Whilst "growing up in the cooperative" certainly helps, on the other hand, family ties have been found to be a threat to proper functioning of cooperative societies in the past.

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##### Reference 1824 - 0.01% Coverage

8696

12199 32

61045 40

Thus, approximately 29% of the land was owned by planters and 71.0 % belonged to the sugar estates. Moreover, there were 149 estates of varying areas, as indicated in the Table 54 below.<sup>297</sup>

Table 54 Classification of Estates

##### Reference 1825 - 0.01% Coverage

THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Table 59 Distribution of Land among Planters for 1985 - 2009 Acreage of Land (Arpents)

Up to 1.2 1

##### Reference 1826 - 0.01% Coverage

98 38

6 21,498

\*The SIFB reports do not give the breakdown for 'millers' for 1985 and 1990; they are included in 'Above 236.9'. Moreover, for 2000-01, 2005 & 2009, the extent of land owned by millers is not given.

It is very much evident that the number of sugar cane planters has been decreasing consistently as from 1990 overall, as well as in all categories of acreage of land.

6.10.2 Income Distribution

#### Reference 1827 - 0.01% Coverage

degradation is now taking place.

The economic and social structure of Mauritian society has not fundamentally changed from the point of view of labouring classes: though there is a larger multi-ethnic bourgeoisie, and a larger multi-ethnic middle-class, yet the economic and social structures are such that wealth and, more generally, the ownership of means of production (land, banks, trade/commerce, factories etc.) has been restricted to a rather small minority involving both the old and new bourgeoisie. The value and belief systems of colonial society and, in general, of Capitalism have permeated the minds of the new bourgeoisie, of the political elite, of the new middle class and even, to some extent, of the population at large. As a result, the strategy for development has been such that the economic and social structures have been consolidated and the root causes of unemployment and poverty have not been tackled. The old system, reformed to a certain extent, prevails, together with its obvious limitations like acute material disparity/ inequality between the social classes, social exclusion, corruption and poverty. The basic rights of the labouring classes as workers are still not being given due recognition. In particular, labour is being treated more and more as a mere commodity. The tendency is that workers are not considered as human beings, but as mere factors of production.

Admittedly, Mauritius being a small

#### Reference 1828 - 0.01% Coverage

and racial hierarchy was established.

A turning point was reached in the 1830s with the legal abolition of slavery and the importation of indentured labour from British India. Not only the trauma of slavery, but also the harsh conditions of apprenticeship and of abolition contributed to the leaving of sugar estates by ex-enslaved people. They were paid very low wages based on those of indentured labour and they lost the housing facilities and the land which they had been cultivating for decades. They could not reconcile their newly-acquired 'legal' freedom with their loss of basic necessities like land and housing. They were excluded from the new Capitalist System, and most of them earned a meagre living by fishing with primitive equipment and by working as stevedores, drivers and artisans. Many were somewhat permanently unemployed, forming a lumpen proletariat living on the margin of the plantation (sugar) economy.<sup>308</sup>

Moreover, the subservience of the

#### Reference 1829 - 0.01% Coverage

labouring classes and the poor.

By then, the internal dynamics of the economic system, through the need to modernise the Sugar Industry to face international competition, created the conditions for the parcellisation of land. In the process, those excluded from the plantation economy did not, and could hardly, become buyers. On the other hand, those mainly from the ex-indentured labourers, the job contractors, the sirdars, the traders, the middlemen would become small landowners. A new social class of small and medium planters was born and a new business community and elite was in the making. The emergence of this new social class did not fundamentally have a major impact on the prevailing large lumpenproletariat and generally on the poor. The overall social structure would prevail, except with this new transformation: the plantocracy and the Colonial State would continue to be the supreme powers.

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#### Reference 1830 - 0.01% Coverage

400 arpents) have been used.

10. Land for Descendants of Employees of Railway Lines at time of Closure of Railways and for Dockers at the time of Opening up of Bulk Sugar Terminal: The Sugar Industry has had to go through major phases of restructuring during the 20th and 21st centuries. The latest one, involving MAAS, provides amongst other things, for compensation in cash and in kind to employees. Each employee is entitled to a plot of land of seven perches. The laudable initiative is most welcome. Moreover, in the not too distant past, the Sugar Industry underwent other phases of restructuring, when the railway lines were closed in the 1960s and when exports in bulk sugar were initiated in the late 1970s, then, the employees have had only cash compensation. Additionally, given the poor plight of their descendants and especially among the descendants of dockers, we recommend that the descendants of each employee should be given a plot of land (per employee at that time), in the spirit of the compensation in cash and in kind currently applicable in the Sugar Industry.

11. Labour Market and Employment

#### Reference 1831 - 0.01% Coverage

but mere factors of production.

13. Land: Land, being a valuable scarce resource, the management of it should be done with transparency so as to ensure that the people of Mauritius derive the maximum benefits. This includes access to beaches, as well as the lease and sale of State Lands. As far back as Ordinance 18 of 1874, there was provision for the sales of Crown Lands by public auction and the granting of leases of such lands by either public competition or private contract. And it prohibited the grant of 'jouissances' limited or unlimited. The spirit underlying this Ordinance should underlie any contemporary legislation.

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#### Reference 1832 - 0.01% Coverage

#### CONSEQUENCES FOR CONTEMPORARY MAURITIUS

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#### Reference 1833 - 0.01% Coverage

Ibid., Part II, p. 224.

193 J. Bett. Report by the Land Settlement Officer, 1948 194 J. Bett, op. cit. 195 J. Bett, op. cit.

196 R. Lamusse, 2011, Part

#### Reference 1834 - 0.01% Coverage

Benedictines as well as others.

The development of Catholicism entailed the building of new churches in the capital as well as in the rural districts. To that end, Bishop Collier set up a Comité chargé de l'œuvre de la construction de nouvelles églises catholiques au Port-Louis. He nominated to that committee meritorious notables, assisted by a dedicated team of Dames de Charité.<sup>33</sup> The latter organised yearly fundraising activities, charity bazaars, various collections. The proceeds enabled Bishop Collier to buy several plots of land and to help finance building sites.

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#### Reference 1835 - 0.01% Coverage

were later rebuilt of stone.

By April 1847, ten chapels were under construction in the neighbourhood of Port Louis, and by 1848, there were forty. In the following years, chapels were built in rural districts also. The ex-slaves contributed by providing as much land and material as they could while those who were poor donated of their labour.

Impact of Lay Auxiliaries on

#### Reference 1836 - 0.01% Coverage

community of individuals.

Political Reform

Although ex-slaves, people of colour and Indian immigrants represented around 90% of the population, they had no say in the affairs of the country. In 1885, a new Constitution came into force providing for the election of 10 members of the Legislative Council, hitherto largely dominated by British officials, land proprietors and merchants. But these elections were not democratic in the form of voting which was restricted to only 3% of the population and based on specific criteria.

In 1909, another Commission was

#### Reference 1837 - 0.01% Coverage

indentured labourers and their descendants.

In order to facilitate the upkeep of plantations of the newly-acquired land by the small planting community, the Commission recommended the setting up of village banks better known as cooperative credit societies. The Constitution of 1885 remained

#### Reference 1838 - 0.01% Coverage

technical jobs, must be further

developed and encouraged as too much emphasis is laid on white collar jobs in Mauritius. In addition, entrepreneurship and subsistence farming should be further encouraged. In this connection, land settlement schemes for farming, livestock keeping, including pig breeding, should be made available.

7. All Government services should

#### Reference 1839 - 0.01% Coverage

in 1768, has rightly said:

"I do not know whether coffee or sugar is necessary ingredients for the welfare of Europe, but one thing I know is that these two products have been responsible for the great human suffering for these two regions of the world. America has been depopulated in order to obtain a land for their cultivation; Africa has been depopulated in order to have people to care for their cultivation." 6\*

3. SOCIAL JUSTICE DURING THE

#### Reference 1840 - 0.01% Coverage

scourge for the authorities.<sup>10</sup>

The Law governing Emancipation passed in 1767, however, allowed for a more humane treatment of free people of colour and emancipated slaves. This new category of individuals could buy land, keep slaves, but could not in any way benefit from donations and grants by their natural white parents and had to show respect to white individuals. No emancipated individual could carry any offensive weapon either, and they had to pay due respect, when in contact with white people.<sup>11</sup>

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#### Reference 1841 - 0.01% Coverage

became a breakaway colony.<sup>12</sup>

The decision of the Assemblée Nationale in France to grant the right to vote to all citizens, including free People of Colour, is characterized by a *flou juridique*, a legal void for this category of individual who, in principle, should henceforth enjoy all rights and privileges conferred upon white citizens, but this decision was challenged by the Whites of Isle de France who rejected the idea of having People of Colour being elected to sit at the National Assembly. Otherwise, this is a period marked by the acquisition of land by the free People of Colour who could henceforth have their children registered in the same Birth and Death

Registers registres paroissiaux. Relations between Whites and Coloured People remain strained for over a century; this would reached its peak only in 1911, when a riot was avoided after the Election held in the same year between the factions of Armand Enouf, Member for the Plaines Wilhems District and Eugène Laurent Member for Port Louis.<sup>13</sup>

However, with the advent of

#### Reference 1842 - 0.01% Coverage

that direction for diverse reasons.

4.1 Although slavery was abolished in 1807 in Britain and slave trade in 1813, the British showed leniency towards the French colons who had decided to stay in isle de France in as much that the treaty of capitulation of the 3rd of December 1810 had guaranteed that their land property would not be confiscated, they were thus allowed to import slaves to look after the sugar plantations. But following strong lobby from the Anti-Slavery Society who argued that Mauritius should not benefit from preferential prices for its sugars on the London Market as slave trade was still being practiced; illegal slave trade was brought to an end in 1827.

4.2 Protest for artisans

#### Reference 1843 - 0.01% Coverage

Rodrigues to become house-owners.

The National Housing Development Company (NHDC) was set up in March 1991 to plan and implement a National Social Housing Programme with special consideration for the most vulnerable groups in Mauritian Society. To date, some 12,000 housing units have already been constructed, with a total investment of about 4 billion Rupees. In addition to the costs of constructing the housing units, Government provides land and all the infrastructural facilities, such as roads, electricity, water supply and sewage facilities. Provision is also made for open space and green areas in these housing complexes, with the possibility of nurseries, schools and community centres. In order to achieve the goal of providing each family with a decent housing unit in Mauritius, the Government intends to build another 10,000 housing units for the poor and the vulnerable.

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#### Reference 1844 - 0.01% Coverage

of the Population of Mauritius

Mauritius is a land of migrants. When the Dutch landed in 1598, the island was uninhabited. It is only the French colonisers who decided to settle permanently on the island. They brought in slaves from Madagascar, from mainland Africa and India. When the British took over the island, there was already some form of a 'Mauritian Society' which took shape as a result of nearly a century of interaction of various people namely the Whites, the Coloured and people of slave descent from Africa and Madagascar.

Vijaya Teelock,<sup>1</sup> while describing

#### Reference 1845 - 0.01% Coverage

of support by social workers.

Similarly, the Rural Diversification Programme (RDP) of the International Fund for Agricultural Development (IFAD) had two components: Micro Enterprise and Micro- Finance Development and Community Development which focussed on land irrigation and in the fisheries sector.

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#### Reference 1846 - 0.01% Coverage

##### REPUBLIC OF MAURITIUS 1. INTRODUCTION

Situated nearly in the middle of the Indian Ocean, East-North-East of Mauritius, Rodrigues is the last firm, hospitable land towards the Eastern coast of Australia. Due to its geographical position, at the turn of the 19th century, during the time when the European Colonial power games for control of the Indian Ocean, particularly by the French and the British, Rodrigues played an important role in the political and economic destiny of the Mascarenes, namely Mauritius and Reunion. In fact, Rodrigues became, for a very short time, the theatre of the power game between the British and the French Colonial powers at the turn of the 19th century, but unfortunately History seems to have forgotten the role played by Rodrigues and, consequently, succeeding Colonial Powers and national political powers up to the second half of the 20th century neglected Rodrigues and its inhabitants.

In 1845, more than 35

#### Reference 1847 - 0.01% Coverage

Anquetil André Mr. Henrico Louis

Autonomy, Land issues, Agriculture Slavery and its stigmas Education, Unemployment

Culture and Religion

Heritage, Economy

#### Reference 1848 - 0.01% Coverage

in-law and his slaves.

Shortly afterwards in 1798, instructions arrived from authorities in Ile de France, regarding the land concessions, namely 100 arpents per married couple and 50 arpents for each child on their arrival at Rodrigues.

Marragon was definitely not an

#### Reference 1849 - 0.01% Coverage

because there no official government.

Representative in Rodrigues, these measures would remain ineffective. Rodrigues was thus under the first few years of British rule a land with no law at all. So if any of the settlers took some liberties, who would stand in the way? The possibility that the settlers engaged themselves in illegal of slave trading cannot be wholly discarded.

The registration of slaves that



#### Reference 1850 - 0.01% Coverage

because they outnumbered the settlers.

Interestingly enough, the particularity of Rodrigues is that slaves and masters arrived at the same time. We learn thus from historians that the first slaves arrived in Rodrigues in 1736, when the first establishment was in place to collect land tortoises. It is to be noted that in 1725, Julian Tafforet landed on the island, accompanied by four men, presumably four slaves, but they only stayed a few months. It is not recorded whether slaves gave birth to children at that time. We only know that the first white Rodriguan was born on the 15th September, 1752, of the first European woman to land in Rodrigues. Jeanne Francoise de Rancars was the wife of the Officer in charge of the establishment, Vincent Francois Martenne de Puvigné.

At that period, Alexandre Gui

#### Reference 1851 - 0.01% Coverage

##### 3.2 Abolition of Slavery

While Honoré Eudes, a settler of Rodrigues as from 1820, was visiting Mauritius, he was charged by the Government to proclaim, on his return to Rodrigues, total freedom for all slaves on the Island of Rodrigues. Honoré Eudes did so on the 4th June 1839, the day of his arrival in Rodrigues. Interestingly Honoré Eudes offered to his slaves two options; either, firstly, they returned to Mauritius, or secondly, money, food, alcoholic drinks, the right to cultivate freely a plot of his land for their own benefit. The slaves agreed to the second option but shortly afterwards, they deserted the master's concession and took refuge in the interior of the island to enjoy their freedom. It was clear that the ex-slaves wanted to be as far as possible from their past masters.

For the first time, the liberated slaves had a sense of belonging, and they indeed made the best of it. They could easily squat on a piece of land, help themselves to the runaway cattle, catch their own fish, and till as much land as they wanted. There was nothing to stop them from doing so. Charles Lenferna attempt's to interfere with this new mode of living of the ex-slaves prompted the Government to send a magistrate, H. M. Self, to Rodrigues in June 1841. Yet, no official Government Representative was appointed. It was only after the wreck of the good ship Oxford (1st September 1943) that forced the Governor of Mauritius to send a corporal and five constables to Rodrigues. Sir John Marshall, Captain of Her Majesty's frigate Isis, was given a special commission to act as Magistrate and Judge surrogate of Rodrigues.

Colonisation of Rodrigues resumed after

#### Reference 1852 - 0.01% Coverage

at a very early age.

The native had his plot of land; he grew maize, manioc, beans, sweet potatoes and vegetables and his own tobacco. He rears sheep, goats, cattle, pigs and fowls. Wood for fuel is nearby, whilst water was procured from rivulets and springs. Fruit trees abounded everywhere. The fat from the pigs was melted and used for cooking. The man went out in his boat and fished all day, or went out to the opposite end of the island and fished the whole week, and came back to his little straw hut in the mountains on Saturdays to find his wife and children left at home, to look after the plantation and the fowls. He brought with him enough salted fish to last at least a whole week.

They had no rent to pay, as their houses were built by themselves of local wood, and latanier leaves and barks, and lasted for many years. They had only to buy sugar, tea and clothes, and they could easily procure these from the proceeds of fish, fowls, and goats, and so on. Those who did not own their plots of land

rented it from the Government. The rent per acre was only three shillings per annum, and two acres were sufficient to produce enough food to ensure a livelihood for a family of five to six persons.

During the week-ends, when

#### Reference 1853 - 0.01% Coverage

22 Europeans and 82 slaves.

The land lords of Rodrigues in 1804 were Marragon with 400 arpents, including 100 arpents under cultivation; Le Gros 100 arpents 25 cultivated, Gorry 70 cultivated and Rochetaing 350 arpents 70 cultivated. There were thus 850 arpents of land concessions of which 265 were under cultivation to sustain the livelihood of a population of 104.

4.2. The People of

#### Reference 1854 - 0.01% Coverage

a stopover for infrequent vessels.

From a land of abundance, Rodrigues is now relegated amongst the first three Small Oceanic Islands (Rodrigues 94%, Norfolk Island 94% and Ascension Island 91%) in the world, where the natural biodiversity is the most devastated.

Isaac Balfour, a Botanist, referred to Rodrigues as a barren land in the 1870s, some 180 years after the first settlers enjoyed to the fullest the natural resources of Rodrigues in 1691. Once an idyllic place, fertile valleys, potable fresh water, pure and healthy air, the land that saw the evolution of an amazing mega-fauna (exceptionally beautiful though strange birds, Solitaire and reptiles – giant tortoises and lizards) is now a depleted and desolate place. The exploiters have gone and in their memory, the atrocity caused to Rodrigues has been completely forgotten.

Rodrigues is probably amongst the

#### Reference 1855 - 0.01% Coverage

its very short human history.

At other times, Rodrigues was often considered as a land of exile, an island of punishment. In 1804, Governor Isidore Decean wanted to turn the island into a camp for lepers. In 1832, under the British rule, Rodrigues was designated as a land for the deportation of the undesirable slaves with a bad reputation and as a quarantine station for people affected by cholera. There is no evidence, though that these measures were ever implemented. But still the idea was evoked and the perception that Rodrigues did not really have the capacity to sustain a viable economy was enunciated.

The lepers from Mauritius and

#### Reference 1856 - 0.01% Coverage

Curieuse Island in the Seychelles.

However, on two occasions, Rodrigues became the land of exile for two turbulent and undesirable politicians, Antoine de Rivaltz de Saint-Antoine in 1768, and Emmanuel Anquetil in 1938.

It is inconceivable today to

#### Reference 1857 - 0.01% Coverage

Rodrigues during that particular period.

This perception of Rodrigues as a land of exile and punishment had been exacerbated by both an officious policy on the part of the authorities in Mauritius, and the behaviour of a majority of public officers from Mauritius during their tour of duty and service in Rodrigues.

In its human history, the

#### Reference 1858 - 0.01% Coverage

three hundred years or so.

However, Rodriguans never gave up and they entertain, hope as a people, and rightly so that one day they shall overcome. The days of reckoning are ever so close. Rodrigues is probably among the last firm land to experience the impact of human. This is very good news because the first settlers left a number of records of how Rodrigues was before human settlement. There is thus a case to be made to study Rodrigues as a Rosetta Stone to understand the impact of human settlement on insular territories and the findings could be used to partly restore the natural biodiversity on other islands in the world. Rodrigues could be a test-case and a model for small island restoration in the world.

A number of Historical Buildings

#### Reference 1859 - 0.01% Coverage

##### ECONOMIC DEVELOPMENT OF THE ISLAND

Since the very beginning of human settlement in Rodrigues, the economy has been essentially based on the primary trilogy; cultivation, stock-breeding and fishing. Rodrigues' economy is solely an auto-subsistence practice which is on the decline year in year out. From the days of the first permanent settlement until 1995, the economic development was limited to a form of subsistence agriculture and fishing. Massive deforestation took place to make land available for agriculture and stock-breeding and considering the topography, no serious measures were implemented to contain the top soil of the slopes. Consequently, erosion was rampant and the fertility of the soil degraded rapidly. Furthermore, the eroded materials were carried downstream and had a devastating silting effect on the lagoon. There is a clear case of mismanagement of natural resources without a well-thought integrated and sustainable development plan. Way back in the 1930s, Mr. Henry Martin initiated the terracing operation in Rodrigues. But it was Philip Hotchin who undertook a major terracing operation in the 1950s and 1960s. Unfortunately, the terracing were not managed properly; animals, particularly cattle, were allowed outside the cattle walk into the agricultural land, the leases selling the rock to the owner of mechanized stone crusher thus amplifying the erosion effect and the acceleration of the impoverishment of the soil.

After more than 220 years

#### Reference 1860 - 0.01% Coverage

##### WITHIN THE REPUBLIC OF MAURITIUS

7.3 Is there an economic future for Rodrigues? The emancipation of Slaves and land Issues Rapport de C. Anderson – Archives de l'île Maurice. Ref. V3/2 PP. 67-74

"L'émancipation des esclaves eut lieu

#### Reference 1861 - 0.01% Coverage

the infraction of the law."

Anderson recommended that the cultivation of land in Rodrigues be abandoned and that the entire island be devoted to animal rearing particularly cattle.

"I am perfectly aware that

#### Reference 1862 - 0.01% Coverage

importance." (W. Morrison 1863-64)

W. Morrison recommended an interesting proposal on management of concessions and Crown Land in Rodrigues:

"I would then strongly recommend that steps be taken to put en regle the proprietors who have received concessions – to parcel out crown land and

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#### Reference 1863 - 0.01% Coverage

Government Offices (leskelet dan larmwar).

Agriculture never sustainably took off in Rodrigues because the many reports written over the years were either never implemented, or because of mismanagement and lack of proper monitoring. In the late 1960s and early 1970s, Rodrigues was hit by a successive number of tropical cyclones and long periods of drought and as a relief measure, the Government of Mauritius decided to massively employ labourers to carry out menial tasks. All of a sudden, agricultural lands were deserted and every young man's aspiration was to have a job in the Public Sector. The stigma emerging during slavery that tilling the land was a demeaning job.

Decision in the late 1960s

#### Reference 1864 - 0.01% Coverage

without distinction of ethnic origins.

The Sega "Tambour" continued to be practised on the same land. It is to be noted that the Sega "Tambour" is different from other segas in the Indian Ocean Islands. It has its own originality, particularly when it comes to musical rhythm, beats and dances, despite having the same name. The principle underlying the Sega "Tambour" is that the male partner does not have a fixed female partner, everybody dances at the same time. Male and female partners are always trying to out-dance each other.

The lyrics, simple and vivid

#### Reference 1865 - 0.01% Coverage

its perennality.

#### 10.5. Food

The staple food of Rodriguans was originally composed of maize, sweet potatoes, manioc, fish and beans. Rice and meat were consumed only on special festive occasions. Due to the devastating effects of cyclones and long periods of droughts, the relief measures, implemented by the government to alleviate the hardship of the population and the progress in education, less and less Rodriguans cultivated the land resulting in a sharp reduction in the staple food production.

curse on the people to

#### Reference 1866 - 0.01% Coverage

to carry out cultural research.

Furthermore, tilling the land was considered by many as a devilish Truth and Justice Commission 560

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#### Reference 1867 - 0.01% Coverage

colonial times Rodrigues did not

attract numerous settlers to set up a solid Private Sector Development, as was the case in Mauritius. Many came in prospection and due to administrative neglect and indecisions, left for Mauritius. The Colonial Administrations, both under the French and British rule, never had a clear roadmap for the island's future but, instead more than once, considered that the island was best suited as a land of exile or quarantine, where undesired trouble-makers such as political opponents, prisoners and patients suffering of dangerous diseases could be sent. It was also a land for plunder. Its abundant tortoises were massively exploited to feed the population of mainland Mauritius and navigators until complete extinction and its most delicious bird "Le Solitaire" did not know a different fate. The Rodriguan producers in the Agricultural and Fisheries sectors were outrageously exploited mainly thorough a barter system resulting in the enrichment of the more powerful forces at the expense of its inhabitants. As for the British, it was interested in Rodrigues only as a strategic base to defeat the French and conquer Mauritius. The slave trade continued in Rodrigues well after it was made illegal in the colony and the slaves were liberated only 4 years and 4 months after those in Mauritius had already undergone apprenticeship and been set free. Throughout the Colonial Rule, Rodrigues remained underdeveloped but nevertheless managed, through hard work in agriculture and fishing, to be considered as the granary of Mauritius as far back as 1867 and even later in 1970s before it was stopped by long periods of drought and severe cyclones.

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#### Reference 1868 - 0.01% Coverage

Growing disillusion with the system

Other questions pertaining to the practicability of the Law guiding autonomy concern Section 30 of the Act which gives power to the Regional Authorities to introduce Bills in the Regional Assembly. None of them have ever been introduced in the RRA to date. The Rodrigues Children Council Bill, for example, has remained a dead Bill since 2004 because it was never introduced in the National Assembly as required by the Law. Rodriguans question the fact that Mauritius chooses never to give its green light for Rodrigues'

request for twinning projects with other regions of friendly countries. Such silence is diversely commented on by the locals, with some viewing it as a form of mistrust, and others as a neocolonialist attitude to close all the doors for a conquered land. The latter opinion is on the rise in the island, especially with the young generation who regularly compare Rodrigues' narrowing scope and the visible accelerated development of Mauritius and its visibility at international level through economic diplomacy and international agreements and loans. Strong signals of commonness, national unity and equality must be sent out to tone down such growing feelings.

#### 11.4 RECOMMENDATIONS

##### 1. Revisit

#### Reference 1869 - 0.01% Coverage

to leverage the plethora of opportunities offered by his native land to develop to his full potential in a totally liberalised world. At the same time, Jeannine, a Generation Y yuppie, who was born in a wealthy family of traders in Port-Mathurin in 1995, is creatively collaborating with the Global ICT initiative which has reached the Rodriguan shores in a fully digitalized, broadband, and wireless Web 3.0 world.

The socio-economic situation prevailing

#### Reference 1870 - 0.01% Coverage

a joke of bad taste.

Roland's and Jeannine's grand-mothers are neighbours and enjoy a healthy lifestyle. Whilst Roland's grand-mother, who has been struggling hard to support the family in the 1950s, is still dependent on Social Aid being provided by the RRA, Jeannine's is wealthy and supported by two maids. However, both of them are equally happy and enjoy life to the full. In a peaceful land of paradise such as Rodrigues, being an elderly that is filthy rich is immaterial. In any case, the social security system in place provides adequate support to allow one to live a decent life. The two grand-mothers feel proud to live on a calm and peaceful island where societal problems are things of the past and cultural values are passionately preserved by the youths.

They both know that Rodrigues

#### Reference 1871 - 0.01% Coverage

of the favourite daily shows.

The adoption of a few agricultural filieres and the focus on high-quality niche products and on technology, have allowed a remarkable preservation of the environment and natural resources. As Air Mauritius' mid-range airplane prepares to land at Plaine Corail, visitors are thrilled to see the island covered with crops and other plants that are driving one of the pillars of the Rodriguan economy. Hardly a plot of land can be seen as bare. The lagoon also appears impressive with marine parks and aquaculture dominating the view. Fishing boats in the outer -lagoon, are numerous and visitors can observe from the plane the interplay between small local fishing boats and

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#### Reference 1872 - 0.01% Coverage

## WITHIN THE REPUBLIC OF MAURITIUS

mid-sized Japanese vessels as they slowly approach to land their catch in the seafood hub at Pointe Monier. For both Roland and Jeannine

### Reference 1873 - 0.01% Coverage

namely the implementation  
of Free

Education at secondary level, illiteracy was very high in Rodrigues. Very few children had access to Secondary Schools through the Church School and the majority was left to revert back to permanent illiteracy. Parents did not see the need to help their children to pursue their education because social mobility was inexistent. Children left Primary School at a very early stage to help with the family agricultural fields, to tend domestic animals, such as goats, sheep and cows, and to join the fishing squad. They were condemned to become "ti gardien ek ti pesser". This was a vicious circle that ensnared many generations of Rodriguans. Due to the lack of proper training in agricultural management and animal husbandry, the land resources were exhausted very quickly, and combined with severe climatic disruption, production in both the agricultural and marine sectors, became poorer and poorer year in and year out. On the other hand, the demographic level of the island exploded, meaning that there were more people to feed.

Faced with this catastrophic situation

### Reference 1874 - 0.01% Coverage

the time, it is unreliable.

4. The soil is getting poorer and poorer due to lack of proper management. 5. The non-implementation or the lack of a systematic land-use planning. 6. The common land syndrome is a major handicap to development in Rodrigues.

7. Unwarranted political interference and

### Reference 1875 - 0.01% Coverage

1 Marragon's first Census (1804)

Table 2 Population of Rodrigues in 1826 Table 3 Land Concessions in Rodrigues (1817 – 1871)

574 575 582

Truth and

### Reference 1876 - 0.01% Coverage

Oyster Bay. He soon took

possession of 400 arpents at Les Soupirs, on a hill between Oyster Bay and Mont Charlot, a property and plantation which he named L'Orangerie. 4 Marragon's grave, and his wife's, can still be visited today at L'Orangerie where he lived till his death in 1826. His daughter, Séraphine, born there on 30 July, 1802, lived with her parents until 1826, after she had married a businessman from Port Louis, Charles Pierre François Papon. She became the owner of L'Orangerie in 1826, had 66 slaves and 17 free children. When she left for

Mauritius, she gave permission to her slaves to live on her land, Jardin Mamzelle that became a squatting area for emancipated slaves.

died at La Chaumière, Savanne

#### Reference 1877 - 0.01% Coverage

Marragon Le Gros HOUSEHOLD (Individuals)

LAND (arpents) conceded cultivated

SLAVES Mozambique Malagasy Talinga Guinea

#### Reference 1878 - 0.01% Coverage

schooner and did so until

1816, when Marragon took over. 8 For his part, Michel Gorry made his living from the land rather than the sea; he had settled at Oyster Bay, with Roger and Boulerot, both fishermen. When they left for Isle de France, Gorry moved up country to a property called 'Les Choux'; there, he first grew indigo but, later, confined his activities to growing only what satisfied his family's needs. Early settlers, who relied on fishing for their livelihood, included D. Raffin who settled in 1803 and started a fishery, with 20 slaves, as well as Lecloud and Gautier. 9 Lecloud had arrived earlier than Raffin with 16 slaves.

Most of the early colonists

#### Reference 1879 - 0.01% Coverage

there to establish concessions. 14

At the very start of the Government's policy of granting land concessions, between 1815 and 1830, those only rarely

#### Reference 1880 - 0.01% Coverage

slaves and 17 free children.

(ii) Messrs. Bessière and Husson's, on land formerly belonging to Gorry, with 36 slaves and 17 free children.

(iii)

Mr. Eudes', at Grand

#### Reference 1881 - 0.01% Coverage

addition, Gabriel Bégué, who had

settled on the land now forming part of the Roman Catholic Parish of St. Gabriel, had 4 predials; a certain Jean Marie had one and, likewise, Gonnet who had in addition 13 free men employed in his fishing establishment. The apprentices were working longer hours than the law allowed, their clothing were inadequate and their huts miserable, but they were well fed and extensive ground was allotted to them. 19

Another settler, Charles Lenferna de



#### Reference 1882 - 0.01% Coverage

notes in 1967: "Though extremely

spread out, they are represented by a small number of names, common in Réunion, and perhaps also in Mauritius: Roussety, Bégué, Rivière, Meunier, Legoff, Perrine, Lévêque." 23 We know some of the dates when the early settlers bearing European names, emigrated from Mauritius, or from elsewhere, to Rodrigues: Charles Weder (before 1827); Mathieu Roussety, a master-fisherman and trader (about 1842); his brother Auguste Roussety (1844); Jean-Marie Meunier (about 1840); Zéline Labour (about 1840); Bercy Labour, with four young children (1845); Désiré Calamel (1845); Charlotte and Marie-Louise Perrine (1846); Marie-Jeanne Geneviève, with a daughter (1846); Ferdinand Bonnelle (1846); Clodimir and Emilien Jean (1846); Louis François, his wife and five children (1848); Pierre Raffault (1848); the Legoff, Lévêque, Ithier, Castel and Allas families (later than the 1840s). 24 Descendants of the early Café au lait settlers, as they are known, or Rouges – because they grow red in the sun – gladly recall the adventures of their pioneer ancestors (see below for some families). Parish Registers of Births, Marriages and Deaths draw attention to the evolution of Rouge families. Gabriel Bégué, the ancestor of a powerful landed family, settled in 1825 on land now forming part of the Parish of St. Gabriel, which was bought or acquired, in a partexchange deal, by the visiting priest, Father Thevaux (Parish priest from November 1850 to May 1851). He erected a "latanier hut 50 ft. long by 24 ft. wide", a primitive Church which became known as St. Gabriel from "the owner's name" – the Saint being later declared the patron saint of Rodrigues. 25

There is much evidence, oral

#### Reference 1883 - 0.01% Coverage

first Ithier to do so

was Victor, who accompanied Beyts on the Hattonbum which arrived at Port Mathurin on 19 August, 1888, after an unusually long passage of 19 days. 45 The speaker [hereafter X.] stressed that his great-grandfather may have come from Brittany, and was the father of Jean-Baptiste Ithier, who married Miss Eva Hombrasing. They had thirteen children. Whilst the ancestor [Victor] is said to have been a sea captain, Jean-Baptiste Ithier had settled on a concession of 14/15 arpents at La Ferme, 46 where the family still owns land today. X., the interviewed person, pointed out that his own father was a pastoralist and agriculturalist who owned a farm called 'La Ferme Piments' at La Ferme, land which, on his father's death in 1976, was divided between his children whom he had by a Miss Meunier – another very common 'Rouge' name in Rodrigues. The Ithier family, from JeanBaptiste onwards, grew such crops as maize, haricots, vegetables, as well as keeping cattle. They originally had, in their employ, descendants of previous slaves, all freed since the family did not settle at La Ferme until the 1880s.

A brother of Jean-Baptiste's

#### Reference 1884 - 0.01% Coverage

the crops and animals.

This

was the case for the individual interviewed. There were no débouchés for students other than work, and few could go to Mauritius to pursue their studies. The Ithiers are also reported to have rented extra Government land in the days of Jean-Baptiste Ithier, to grow additional crops which were transported to Mauritius for sale. In Mauritius, it is likely that the Ithiers owned land in the Beau-Bassin, as well as the Flacq

Districts. Large 'White/Coloured' families were the order of the day; the interviewee's father also had 13 children, as had his father before him.

X. also pointed out that

#### Reference 1885 - 0.01% Coverage

domestics, given the right to

build their own homes on the family's land, as well as grow their own vegetables. Because 'White/Coloured' families were fond of food, domestics were hired to prepare copious meals and to work in the fields, and were remunerated per day's work. They were not looked upon as inferiors, nor were they exploited.

All Ithiers owned various-sized

#### Reference 1886 - 0.01% Coverage

September 1869, when the latter

took up his post as the first curé of Rodrigues, in what became a parish of the Diocese of Port Louis. 48 When he left Rodrigues for good in September 1880, Fr. Hilaire donated his properties to Ferdinand Gontrand; no title deed had been issued when the land was surveyed in 1878. 49 The Gontrands continued to occupy the land, known even today as 'Concession Gontrand', until an instrument of acquisition was granted on 13 September, 1894, by the Registrar

General's

Department of Mauritius, to

#### Reference 1887 - 0.01% Coverage

marriage to métis is also

brought out. To support such large families, 'White' men had to fish, as well as set up plantations. The son of Elizène, Fernand, acquired land on Ile aux Chats, where a little maize was cultivated. The 'Rouges' employed 'black workers' as domestics and labourers, but treated them well, feeding them and allowing them to grow their own crops. Rice was a special treat for all and was served only once a week on Sundays, on account of it having to be imported. Domestics were paid wages on a daily basis, and often workers were given a loan of the masters' boats to go fishing. The 'Montagnards', through the system of 'barter', traded in maize and crops to the shopkeepers (Indians or Chinese) in return for other goods. Y. pointed out that this was very much to the advantage of shopkeepers.

In his youth, Y. stated

#### Reference 1888 - 0.01% Coverage

on Rodrigues, will present its

own separate findings on the two issues. Our concern here is to include a few details about the 'Coloured Population' borrowed from the Recueil de documents pour servir à l'histoire de Rodrigues (1969). 53 The list of land concessions on Rodrigues from 1817 to 1871 mentions herein the following individuals of 'Coloured' origins. Reference is to M.N.A. File R/R2. Obvious French 'White' and British names are excluded. Land Concessions Table 3

Vol. 24 No.  
Land Concessions

#### Reference 1889 - 0.01% Coverage

Table 3  
Vol. 24 No.  
Land Concessions in Rodrigues (1817 – 1871) Dates  
Names 68 Germain Legros 140

#### Reference 1890 - 0.01% Coverage

##### THE 'COLOURED POPULATION' OF RODRIGUES

At the M.N.A., one also finds the following details under 'Rodrigues Land Concessions' (1845), Extracted from the books 'Domaine', Archives Office, 1845' (TB 6/4).

No. 162, F. 197

Duessy

#### Reference 1891 - 0.01% Coverage

concessions multiplied at Port Mathurin, measuring  $\frac{1}{2}$  hectare or  $\frac{1}{10}$  hectare, which shows a real development of this urban agglomeration. 54 Finally, it is to be noted that on 31 December, 1869, George Jenner, who had replaced Edward Stevens Messiter, as Police Magistrate on 14 May, 1862, received a land concession of  $24 \frac{6}{10}$  acres at Bambou, Rodrigues, while Thomas Morris [John Morris' descendant] was also granted a concession of 15 acres at Bambou on 31 December, 1869. In his analysis of the economy of Rodrigues, Dupon observed in 1967: "As for lands appropriated, they represent about  $\frac{1}{7}$ th of all cultivated land, and if one were to exclude the Catholic Church which, with about 40 hectares, was by far the biggest landowner on the island, and less than 10 owners who had 5 to 10 hectares each, the average property would be well below 2 arpents. The Napoleonic Code, as applied to Mauritius, was partly responsible for this division of land [...]"<sup>55</sup> As for the 'squatting system'

#### Reference 1892 - 0.01% Coverage

Jenner, Magistrate. North-Coombes explains:

"As regards land, Jenner, unlike his predecessors, limited the inhabitants' practice of occupying crown lands as they pleased, and succeeded in inducing the Government to take positive action. The result of this was that a number of so-called "squatters" became owners of land on easy terms of payment, though as yet no rent was exacted from those who continued to cultivate crown land on verbal leases." 56

Today, the entire system of

#### Reference 1893 - 0.01% Coverage

the beginning of the 20th century, Rodrigues was chiefly a land of exile. Most probably, because of its spatial characteristics, and particularly because of

#### Reference 1894 - 0.01% Coverage

as an ideal 'refugee land'.

Even if, on the one hand, the island's climatic conditions, topography and geographical location and isolation did not deter the 'refugees', on the other hand, because of these natural characteristics, Rodrigues was, for most of the time, uninhabited and occasionally a land of temporary settlement. It was, for a long time, considered as being uninhabitable.

The various unfruitful colonising attempts

#### Reference 1895 - 0.01% Coverage

economically. The United Nations Development

Programme (2009) reported that the incidence of poverty in the land (3.6%) is well above the national average (9.7%). Indeed, as per the Central Statistics Office (2001, p. 250) data, the average household income in Rodrigues is 6,622 rupees, while in Mauritius, the average is 10,323 rupees, a difference of 3,701 rupees.

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#### Reference 1896 - 0.01% Coverage

DEMOGRAPHIC PROFILES (See Table 1)

Rodrigues, like almost all former slave colonies, is a land of immigration that was built on the Diasporic movements of Africans, Europeans, Chinese and Indians during the Colonial and PostColonial era. Although from an etic perspective, Rodriguan society is perceived as homogenous because of the predominance of African and Malagasy Diasporas, from an emic stand, ethnic variations can be observed based on phenotype and socio-economic differences.

In line with what Jean

#### Reference 1897 - 0.01% Coverage

plantation colonies of the Mascarenes.

Historians date the arrival of the Chinese and Muslims traders on the Rodriguan shores at around the 1890s that coincide with the first exodus of the Chinese immigrants from Mauritius to the African continent and other countries. Consequently, these traders most probably came from Mauritius where they were considered as 'aliens'. Facing racial discrimination and nepotism, they went to another refugee land.

Each ethnic group has peculiar

#### Reference 1898 - 0.01% Coverage

more complex social class stratification.

Even though the Rodriguans are more and more dependent on the market economy, arable land is still available, especially in the interior part of the island, and hence most of the Rodriguans continue their farming activities for personal consumption and for sales to supplement their income.

Rodriguan society is becoming more

#### Reference 1899 - 0.01% Coverage

by Ben, settled in Corail.

It forged the present development of urbanisation on the island and residential development. The houses and retail shops are concentrated in the commercial space of the villages. There are villages separated by expanses of land used as arable land and pasture groundland. There are residential buildings, as well, that are dispersed in between these agglomerations.

Open spaces are still available, and it seems the population enjoys freedom of movement. Fortunately, few plots of land are fenced, and gated residential developments are not, yet, part of the landscape. Rodriguans value open space and this 'natural' lifestyle.

In fact, while in Mauritius buildings are constructed close to one another and people tend to live in apartments, the construction patterns are different in Rodrigues. The residences are individual housing units built on large plots of land and the houses are constructed far from each other.

However, since the beginning of

#### Reference 1900 - 0.01% Coverage

this spatial organisation is disappearing.

Information on landowners diverged but a common point came out of the interviews that the present landowners are of slave descent, whilst the other Rodriguans do not live on private land but on State Land.

On one hand, MacDonell testified

#### Reference 1901 - 0.01% Coverage

there are few private landowners.

The private landowners are, according to Ben and MacDonell, the slaves' descendants whose ancestors received land from their masters when the latter left the country after the abolition of slavery. The slaves passed the land on to their descendants.

On the other hand, Jean Noel stated that land in Rodrigues is largely agricultural State Land. Residential and private land is limited. Christophe also confirmed that the young generations are facing problems buying and/or leasing land for construction. A causal relationship can be drawn between the expansion of construction and the increase in the stock of residential buildings and the difficulties to access residential land.

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#### Reference 1902 - 0.01% Coverage

as method of refuse disposal.

It is most probable that after the abolition of slavery and the Apprenticeship System, the freed slaves had access to land, and later on, they were registered as landowners. Whilst in Mauritius, the freed slaves lost their land (either they sold it for a meagre sum of money or were dispossessed of their land, as they did not have land deeds to prove their ownership); in Rodrigues the situation was different.

Indeed, the local residents were foragers and thus were dependent on land for their subsistence. Land was, and still is one of the main natural and income-generating resources (the other being the surrounding sea). They are conscious of the importance of landownership and for generations, they have developed and nurtured a symbiotic relationship with land.

The Rodriguans are not landless, since most of them have access to land. Until now, they have preserved their rights and opportunities to occupy and utilise land through kinship, including the transmission of land rights through inheritance and within families, and land allocation by the State. However, the island is not protected from the current global housing crisis and the economic and financial downturn. Land is the new or vert (Eng. trans. Green Gold) and is a luxury asset.

Many Rodriguan landowners are selling their properties to Mauritians and even Europeans of Mauritian nationality<sup>12</sup>. Living in relative poverty, and upward economic mobility being limited on the island, property sales are a means for them to have access to money capital and to vertical mobility. Some Rodriguans view with suspicion the acquisition of local land by non-Rodriguans.

#### EMIGRATION OF RODRIGUANS

The emigration

#### Reference 1903 - 0.01% Coverage

GENDER RELATIONS (See Table 2)

Rodriguan society is at the sub-surface patriarchal, even though, at the surface, it seems matriarchal. As Noel has pointed out, the Rodriguan family is patrilocal since it is considered that it is the role of the father to protect and defend his family. In the inland, particularly, families live on large plots of land and, hence, children tend to build their houses around their fathers' residences. When they get married, they favour extend family patterns.

According to Aurèle, before getting

#### Reference 1904 - 0.01% Coverage

pattern. They are Roman Catholics.

They live in the interior land are farmers and herdsmen.

Rodriguans of European origins (Mulattoes

#### Reference 1905 - 0.01% Coverage

Dupon (1961, pp. 81-83).

10 Berthelot (2002, p. 189). 11 Central Statistics Office (2010). 12 As at 10th August 2011, 28 adverts of land on slaves in Rodrigues were recorded on the website of L'Express Property.

13 Central Statistics Office (2000

#### Reference 1906 - 0.01% Coverage

and oysters (North-Coombes 1971).

According to Philibert Marragon's Census of 1804, the crops cultivated were: wheat, maize, rice, manioc, coffee, some tobacco and fruit trees – mostly citrus and a few mango trees. The farm animals, included ducks, pigs, goats and some cattle. The pigs and goats, cats and some cattle ran wild. At that time, there were a total of 82 black slaves (mainly from Mozambique, Madagascar and born in Rodrigues) and five white land owners (North-Coombes 1971).

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#### Reference 1907 - 0.01% Coverage

these conditions (North-Coombes 1971).

However, the liberated slaves did not remain long in the employment of their past masters and left to go into the interior of the island where they squatted without authority on their garden plots or on land belonging to the Crown. They also helped themselves to meat from cattle, which had been free-ranging for years, as well as to pigs or game which they come across. A number of the "squatters" eventually became owners on soft terms in 1865 (North-Coombes 1971).

In June 1841, Magistrate H

#### Reference 1908 - 0.01% Coverage

sanitary works (North-Coombes 1971).

Before 1873, rice was sent from Mauritius in small quantities. The inhabitants had to pay cash for these purchases, or they obtained the rice in payment for road works. After the cyclone of 1886, the quantity of rice sent was increased, and its distribution was made on fairly liberal terms. In a land where there was normally little or no cash flow, this led to indebtedness. As from 1890 to 1901, payment for rice had to be made in cash or in return for labour on public works, and in no case were issues to be made on credit (North-Coombes 1971).

In 1890, a certain prosperity

#### Reference 1909 - 0.01% Coverage

sea salt, is highly

3

Rodrigues, volcanic island, situated at latitude in the cyclone belt, has a warm wet season lasted from November to April and a cool dry season from May to October which explains the availability of only some 4000 ha of forest and some 2500 ha of arable land including pasture. Some parts of the coastal area are very dry and often subjected to drought.

Truth and Justice Commission 622

#### Reference 1910 - 0.01% Coverage

plants as well (Tatayah, 2007).

Other threats include change in land use pattern which impacts on the ecosystems. Invasive alien species such as the "piquant loulou", jamrosa, bois d'oiseau, vieille fille, ravernale" constitute another major threat to terrestrial biodiversity and threaten the native vegetation, even in the "well-intended management measures of the reforestation programme in view of protecting watersheds and prevent soil erosion"(Tatayah 2007). Overgrazing, indiscriminate collection of plants for handicrafts and medicinal use also threaten the survival local species. The increasing globalisation of consumption patterns is also leading to the gradual replacement of diverse crop and medicinal varieties.

The importance of medicinal and

#### Reference 1911 - 0.01% Coverage

##### THE PLIGHT OF THE CHAGOSSIANS

The ship came at intervals, bringing mail and supplies and collecting the coconut crop. The working and living conditions were generally acceptable. The workers received free housing, medical care, food rations, education and religious facilities. In Diego Garcia, each family had its own house and plot of land on which to grow fruit and vegetables and rear poultry. The men enjoyed traditional fishing and there was lobster in abundance.

Gradually, the Chagossian people evolved

#### Reference 1912 - 0.01% Coverage

38 Ilois families in Agalega.

The amounts paid were clearly insufficient. The British Government agreed in 1982 to allocate to the Chagossians, through the Ilois Trust Fund £4 million as 'Full and Final Resettlement', on the condition that they sign a document that they renounce their right to return to their homeland. They refused and, after further negotiations with the UK, most received some combination of land, housing and cash payments, totalling Rs. 55,000 for each adult.

Legal Battle

The living conditions

#### Reference 1913 - 0.01% Coverage

and, thus, was under the

administration of the Mauritian Colonial Government. Under Farquhar's governorship, more land concessions were granted on the atolls, such as in Peros Banhos, Trois Frères, Eagle and Salomon Islands, for the expansion of copra production. The establishment of more coconut plantations meant the introduction of more slaves on the island from Mauritius and the development of the Archipelago's social, economic and infrastructural structures.

Just as in Metropolitan Mauritius

#### Reference 1914 - 0.01% Coverage

the residence and the cemetery)



In keeping with D'Unienville (2002) and Vine (2009), accommodation was free and the plantation owners provided the labourers with free construction materials to build a shelter. The latter did not purchase land and were granted land to settle free of charge.

The working conditions, as well

#### Reference 1915 - 0.01% Coverage

of

retail shops implies that

residents' occupations were diversified. They reared livestock, cultivated land and fished for

they were not

completely self

#### Reference 1916 - 0.01% Coverage

1981) enumerates how the British

breached the Islanders' human and indigenous rights by using coercive, illegal and unscrupulous means to compel them to leave their home country. Firstly, the Chagossians, who were in Mauritius for personal reasons such as for medical treatment or on visit, were not allowed to go back. Before leaving the Chagos, they were not informed that would not be able to return. Secondly, in 1967, the British closed the coconut plantations and copra production and, thus, they were forced out of their jobs and had no food ration. Thirdly, the rulers stopped the supplying ship from entering the British territory. Hence, the local population relied solely on fishing and farming as means of subsistence. Fourthly, in 1971, the last inhabitants were informed that were no more entitled to remain on their land and were deported to Salomon and Peros Banhos islands. In 1972 and 1973 they were expelled from the two islands respectively to the Seychelles and Mauritius.

They were progressively and strategically

#### Reference 1917 - 0.01% Coverage

the TJC scope of investigation.

Land Dispossession The Chagossians forced dislocation and resettlement is a history of land, and property and resources dispossession. The

#### Reference 1918 - 0.01% Coverage

that the administrators of the

plantations were also representatives of the Colonial Government on the islands, and thus many duties were conferred upon them such as keeping birth, death and marriage records and land transactions. The Colonial Government was kept informed of the land occupations, natality and mortality rates for census records and for the good administration of the island.

Truth and Justice Commission 651

#### Reference 1919 - 0.01% Coverage

the property rights of the

Chagossians. Regarding land acquisition, he states that people chose the land they wanted to occupy that the Administrator registered. Although they did not purchase the land (there was no money transaction), nonetheless they owned the land they acquired. Later the transaction was made public; it was publicly known that he/she was landowner. Islanders occupied land of approximately 75 toises on which the constructed their house and practised farming (they cultivated land and reared livestock).

"...The lands, which were there

#### Reference 1920 - 0.01% Coverage

was transmitted to other generations

through inheritance and when the Chagossians were deported to Mauritius, they did not voluntarily renounced their rights on their land. They were illegally stripped of their land, houses, belongings and resources.

The lawyer further stressed that

#### Reference 1921 - 0.01% Coverage

landownership since they have no

title-deeds for the land they occupy. Without these deeds, it impossible to prove their ownership 'by way of effect of obligations'. Hence, it is essential:

"...to analyse whether the conditions

#### Reference 1922 - 0.01% Coverage

fledged property-owners that were

forcefully removed from their land and thus were deprived of the three prerogatives of their property rights listed above and also of their right to have a domicile.

Based on his conclusion, when

#### Reference 1923 - 0.01% Coverage

British promised a house and

employment to the latter. However, in fact, when they arrived in the land, Mauritius was at a stage of social and economic restructuration. Hence, the social and economic integration of the Islanders was not a Government's priority, and it can even be said that the Islanders added to the Government's burden.

Furthermore, given that the Chagossians

#### Reference 1924 - 0.01% Coverage

landed in Mauritius, they were

unemployed, and only in 1978 and 1982, and they receive financial compensation. It seems that in 1982, some received a plot of land in Pointe aux Sables and Baie du Tombeau and each adult and child was granted 56,000 rupees and 28,000 rupees respectively. The compensation they received was insignificant, as it was not enough for them to settle and start building a decent life. Under pressure, the Government chose the easy way to deal with the Chagossians' situation, instead of developing a programme of integration and resettlement. In a way, they bought the latter's silence.

In fact, it can be

#### Reference 1925 - 0.01% Coverage

their attachment to their islands

distinctiveness as Ilois. Their attachment to their land is inherent in their collective memory and is passed on through public narratives across generations.

The Chagossian population is a

#### Reference 1926 - 0.01% Coverage

and Terms of Reference were:

"PROPOSED PROJECT PROPOSAL: AGALEGA Aims and Objective: To make a historical, social, economic, cultural, and land use study of Agalega from the end of slavery to date. Terms of Reference: To study the historical, social, cultural, economic, land situation of Agalega. To study the conditions of living of the inhabitants. To make an assessment of the present situation. To propose recommendations in connection with Section C above."

Given that I was sent

#### Reference 1927 - 0.01% Coverage

the visiting Magistrate for control.

3.3 The liberated slaves were told that they were not forced to work for the establishment. As against other parts of the world, Agalega has no other source of earning money; so no work, no pay. Before becoming fully-fledged workers, as carpenters, blacksmiths..., they were considered as apprentices. All workers, men and women, would have to enter into a contract with the establishment and would be allowed to return to Mauritius at the end of their contract, if they so wished. However, these men and women knew little of working conditions elsewhere, apart from Agalega, which they considered as their homeland by adoption, their children being born on these islands. The land remained the property of the establishment.

3.4 They were so well considered by Mr. Leduc, who had a really humane approach to them, that they welcomed their new status and did not want to leave the islands. They were free to work and grow their own vegetables on a plot of land allocated to them. Fish was abundant. Rations of rice, pulses, oil and salt were maintained, and they were paid according to their work. They all decided to stay (Appendix VI; also 4.3).

Truth and Justice Commission 667

#### Reference 1928 - 0.01% Coverage

in his post as Manager.

5.9 This confusing situation and the stubbornness of Laurent Barbé led his partners Leduc and St. Aulaire to sell their shares. With no more interests in Agalega, Leduc sailed to Mauritius on 15 December 1841, to the great dismay of his former workers. They begged him to send a ship from Mauritius on, or about, August 1841, at the end of their engagement. But Leduc had no more say in the chaotic situation on Agalega, and his representations in Mauritius, to the concerned authorities, in favour of the labourers, were of no avail. The emancipated population organized itself and took the serious decision to vacate the land, to which it was attached.

Truth and Justice Commission 669

#### Reference 1929 - 0.01% Coverage

and her three grand children.

7.3 In 1934 'La Compagnie d'Agaléga' was formed. It is obvious that, as a Company, the land belonged to a group of persons, and not to an individual.

7.4 In 1961, the

#### Reference 1930 - 0.01% Coverage

formed and managed by Mauritians.

7.7 Since 1983, Agalega became OUTER ISLANDS DEVELOPMENT CORPORATION (OIDC) and is governed by a Board, the OUTER ISLANDS DEVELOPMENT BOARD (OIDB), now under the aegis of the Ministry of Local Government and Outer Islands. No individual or group of persons is proprietor of land on Agalega. The whole Island is actually a State land.

Truth and Justice Commission 671

#### Reference 1931 - 0.01% Coverage

by the Police plane, Dornier.

8.3.9 For approximately ten years, only one case of death was registered on the island. He was an Agalean on a visit to his native land. He drowned at 'La Passe'. Patients are sent to Mauritius for in-depth treatment and those who were seriously ill, passed away there.

Photo 23 Air strip in

#### Reference 1932 - 0.01% Coverage

attached for ease of reference).

8.4.5 In March 2011, 60 families signed a lease for land and houses. (For conditions, cf. Art. 4.3; Page 12 of Award). The land remains a State property. The lease is for 20 years. This was long overdue. (Ref.TJC Hearing N0 645 – 685).

Truth and Justice Commission 682

#### Reference 1933 - 0.01% Coverage

## 2 Incentive for a comeback

10.2.1 Agaleans have never possessed any land or houses on Agalega, so dispossession does not apply. In his statement in front of the TJC, on 18 August 2010, Mr. Soopramanien said that the Agaleans are not in search of money as compensation but of social services as Mauritians (TJC Hearing N0.381 - 396). However, Agalean descendants, who have been deported, and want to come back to be reinstated and recover their rights of earning their living on what they consider their mother land, or the land of their ancestors, should be given priority in contractual work according to their competence especially in the field of fishing, construction, agriculture, cultural and social activities etc. (Ref statement of Gino Alfred & Co. on 18/08/10. No.126, 155, 166, 252, 353, 391). An addendum can be made to the note on Article 3.10, p. 8 of Collective Agreement (Document II) as follow: This is not an agreement to exclude employees residing in the islands of Mauritius and Rodrigues. It should be applied on the basis of priority of consideration to interested and eventually qualified Agaleans and/ or Agalean descent residing outside Agalega.

### 10.2.2 4.3

#### Reference 1934 - 0.01% Coverage

Doc. II) will automatically apply:

" In the event any employee who has not been issued with a residence would wish to construct his house, he shall be entitled to a lease of residential plot of land, a housing loan deductible from his loan account for the construction of his house, and the cost price for the purchase of building materials".

### 10.2.3 As there

#### Reference 1935 - 0.01% Coverage

meteorological surveillance, fire fighting, the conservation of fish, birds and other animals, food protection, energy alternatives, leisure activities, training on the job, agricultural development, social activities, human rights, protection of historical sites, land allocations, engineering works, etc. Note: employees who show interest in these particular fields shall be given facilities to learn and to perform additional duties in the above relevant fields..."

Furthermore, training in handicraft (coconut

#### Reference 1936 - 0.01% Coverage

a Food Program in Agalega

An intensive training program, adapted to the island conditions, and starting at school level, could be launched. Very often, experts learn through the experience of local people. The contribution and advice of elders, with their experience of Agalega, should thus be sought, and plots of land, on a symbolic rental basis, could be allocated to interested families, for gardening and/or farming.

Photo 34 Plant covered with

#### Reference 1937 - 0.01% Coverage

2002); "Les archives se modernisent."

146 Navichandra Ramgoolam, "Speech by Dr The Honourable Navichandra Ramgoolam, Prime Minister," in National Library - Annual Report 1999-2000 (présenté à the Opening ceremony of the National Library, Port Louis: National Library (Republic of Mauritius), 1999), 50-41. "The procedures for the setting up of a Culture House which will also accommodate the National Library are on the way. The land acquisition procedures are expected to be finalized by January 2000 and construction will start soon after. This, Ladies and Gentlemen, clearly shows the commitment that we attach to this prestigious project."

147 "PATRIMOINE Incessamment" Archives Nationales

#### Reference 1938 - 0.01% Coverage

##### MEMORY – SAUVEGARDE DU PATRIMOINE DOCUMENTAIRE

220 "Répertoire Culturel Mauricien: Tristan Bréville: 'un cadeau à mon pays'," Week-end (Port Louis, May 31, 2009). 221 Land Administration Valuation and Integrated Mauritius Services. Cadastre informatisé de l'île Maurice. 222 Au coup par coup pour les particuliers, annuelle et forfaitaire pour les études juridiques et leur personnel. 223 Mise au point dans: Peghini, "Les impasses du multiculturalisme. Politiques, industries et tourisms culturels à l'île Maurice," 299, sq.

224 "National Budget", n.d

#### Reference 1939 - 0.01% Coverage

Mauritian history: slavery and indenture.

These two episodes of Mauritian history are not only a subject of concern established by the Truth and Justice Commission Act of 2008, but they are also two historical facts that led to the migration of the ancestors of more than 90% of the present-day Mauritian population on the island. Through coerced migrations, these immigrants suffered inhuman treatments, annihilation of their identity and also, all were unrooted to settle in a new land where their cultural referential were not present. Encouraged by the colonial policy aiming at securing available workforce Mauritian society slowly took shape to become one of the most dynamic nation of the African continent. At the turn of the 21th century, it is thus not surprising to see Mauritian society engaging to question its past when most of the past evocative of the population has almost never been the subject of recognition and is now facing disappearance, for the benefit of modernity. In this respect, research on

#### Reference 1940 - 0.01% Coverage

in the schedule that were

"any structure or erection, monument, or part or remains of a monument, or any object the preservation of which is a matter of public interest by reason of the historic, architectural, traditional, artistic, or archaeological interest attaching thereto, and the site of any such monument or of any remains thereof, and any part of the adjoining land which may be required for the purpose of fencing, covering in, or otherwise preserving the monument from injury, and also includes the means of access thereto."

This shows that the local

#### Reference 1941 - 0.01% Coverage

according to the Museum discourse.

In this part of the display that aims at presenting the early British period, an anachronistic parallel is drawn between the situation of emancipated slaves – the presentation is limited to the period of apprenticeship (1835-1839) – and the evolution of the ex-indentured labourers who started to settle and be independent through the acquisition of land mainly, in the 1860s-70s (indenture ended in 1910).

Not only is the parallel

#### Reference 1942 - 0.01% Coverage

as a World Heritage Site.

With the inscription of the two sites on the World Heritage List, Mauritius changed the vision of the past inherited from the colonial Elite. The past is no more the prerogative of a small portion of the population. The memorial process now works towards the appropriation of the history of the majority of the population and institutes fundamental references relating to their identity and origins. This process shows the importance of establishing roots in a land of migrations where most of the ancestors of the population came through coerced migrations. As immigrants – slaves or indentured labourers – references to their homeland or cultural background were absent in the colony. Both slaves and indentured labourers had to recreate a cultural environment serving their well-being through the affirmation of their position in society.

The experiences of slavery and

## **Name:** References to Dispossession in Mauritius Report

<Files\\Mauritius Report> - § 124 references coded [0.31% Coverage]

### Reference 1 - 0.01% Coverage

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### Reference 2 - 0.01% Coverage

of slaves and indentured labourers;  
enquire into complaints, other than a frivolous and vexatious complaints, made by any person aggrieved by a dispossession or prescription of any land in which he/she claimed to have an interest; and  
prepare a comprehensive report of

### Reference 3 - 0.01% Coverage

before elaborating on the recommendations.  
We shall elaborate on our observations on slavery and indentured labour first and then comment on the work undertaken to elucidate all cases of dispossession of land.  
SLAVERY  
As regards slavery, it

### Reference 4 - 0.01% Coverage

reparations for loss of land.  
But the landless today were not always so. The pioneering work of Dr. Richard Allen, in highlighting the landownership of ex-slaves has shown how after abolition many ex-slave families purchased land during what he terms the 'early morcellement' period. Their subsequent dispossession of land manifested by the hundreds of land claims received at the Commission as well as visits and meetings with dozens of families is testimony to the fact that people of Afro-Malagasy origin were  
Truth and Justice Commission 3



#### Reference 5 - 0.01% Coverage

co-operative values and principles.

Land speculation, poverty, greed of some family members, the corruption of officials and professionals, an ever encroaching sugar industry and laws that protect the traditional economic structure have ensured that landownership remains in the hands of the same traditional economic elite who have today been joined by members of the state bureaucracy, politicians and the new business community. There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys. The Commission's request for funds already earmarked since 2009 to help a few deponents survey their land was turned down by the authorities. Our Recommendations for Reparations for Mauritians who have been victims of land dispossession requires no less than a profound rethinking by this elite of its role in Mauritius and whether it wants to continue defending the morally corrupt system that exists. The writing is on the wall.

Truth and Justice Commission 4

#### Reference 6 - 0.01% Coverage

of slaves and indentured labourers;

enquire into a complaint other than a frivolous and vexatious complaint, made by any person aggrieved by a dispossession or prescription of any land in which he claims he had an interest; and

prepare a comprehensive report of

#### Reference 7 - 0.01% Coverage

of slaves and indentured labourers".

When the Bill was finally presented in 2008, the Government had added a new objective concerning the land. This intensified the enormous challenge facing the Commission, bearing in mind that the subject of land is always contentious, and that unless there is the relevant documentation, it is extremely difficult to determine the true owner of the land in question. Nevertheless, the Commission accepted the added objective concerning land dispossession very seriously and has included a full report in a separate volume.

As soon as the Truth

#### Reference 8 - 0.01% Coverage

left much to be desired.

By far the overwhelming number of those who appeared before us claimed that they had been dispossessed of their land. The Commission scrupulously investigated each claim presented to us, but there is no doubt that this will be an ongoing task well beyond the life of the Commission, and we have included recommendations to Government concerning future ongoing attempts to be of assistance to those who still feel strongly that land is owing to them.

The Commission considered very carefully

#### Reference 9 - 0.01% Coverage

exists in Mauritius.

## 8. Land

One of the most vexing and complex challenges faced by the Commission was to try and be of material assistance to deponents who believe they have been unjustly dispossessed of their land. Many of those who have come before us have inadequate documentation and, in most cases, our search of the archives has not produced the missing documentation. In some instances, we have discovered that the land has been sold or prescribed. The Commission has also noted, with alarm and dismay, that some land consultants, some Notaries, some Lawyers and some Land Surveyors have misled, or have made promises on payment of money to, some of those who appeared before the Commission, and have never delivered.

The Commission is strongly of

### Reference 10 - 0.01% Coverage

children's accounts. 8 LAND ISSUES

38. SETTING UP OF A LAND MONITORING AND RESEARCH UNIT A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.

39. FOR A NOTARIAL ACTS

### Reference 11 - 0.01% Coverage

and Monitoring Unit would be:

108. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property;

109. To carry out an

### Reference 12 - 0.01% Coverage

141 Incentive for a comeback

Agaleans have never possessed any land or houses on Agalega, so dispossession does not apply. In his statement in front of the TJC, on 18 August 2010, Mr. Soopramanien said that the Agaleans are not in search of money as compensation but of social services as Mauritians (TJC Hearing N0.381 - 396). However, Agalean descendants, who have been deported, and want to come back to be reinstated and recover their rights of earning their living on what they consider their mother land, or the land of their ancestors, should be given priority in contractual work according to their competence especially in the field of fishing, construction, agriculture, cultural and social activities etc. (Ref statement of Gino Alfred & Co. on 18/08/10. No.126, 155, 166, 252, 353, 391). An addendum can be made to the note on Article 3.10, p. 8 of Collective Agreement (Document II) as follow: This is not an agreement to exclude employees residing in the islands of Mauritius and Rodrigues. It should be applied on the basis of priority of consideration to interested and eventually qualified Agaleans and/ or Agalean descent residing outside Agalega.

4.3.2 of C

#### Reference 13 - 0.01% Coverage

all facts are at hand.

In dealing with land issues, for example, public perceptions of dispossession have been investigated with the same guidelines, and this was the role of the Commission. It had no mandate to declare ownership but rather to reveal the strategies and mechanisms by which land had been lost or stolen, if at all, and suggest remedies. But it must be remembered that these structures and institutions have been in existence for centuries, and TJC alone will not budge established institutions that have benefitted materially, either directly or indirectly, from the enslaving and indenturing hundreds of thousands of people. This was achieved, let us remind ourselves, not only through theft, kidnapping, deception and fraud, but also by very legal means.

#### 2. OPERATIONAL ASPECTS

The Commission

#### Reference 14 - 0.01% Coverage

through collection of Oral History.

2.3 Sub-Committees were created to manage these projects: 1. Landownership and dispossession; 2. Educational system; 3. Measures to further Social Justice and National unity; 4. Housing Policy; 5. Historical issues relating to slavery and indentured labour; 6. The particular situation of ex-slaves after 1835; 7. Culture and Identity.

To empower Mauritians to research

#### Reference 15 - 0.01% Coverage

Project No. 3 Land issues:

- a. To analyse the problems of landownership and dispossession among slaves, indentured and descendants;
- b. Creation of land transactions database; c. To enquire into cases of dispossession of land.

Project No. 4 Culture, Ethnicity

#### Reference 16 - 0.01% Coverage

for implementation is also included.

Volume Two consists of papers prepared by the Land Team on Land issues in Mauritius, as well as the results of the analysis by the same Team on the 340 claims concerning land dispossession. It is divided into a History of Land Tenure section, detailed studies on selected topics such as Lack of capital, prescription and a summary of each case and the main findings of the Land Team. As Commissioners were not Land experts, the Commission has borrowed heavily (but not exclusively) from the Report of the Land Team to make its general findings on cases being heard before the Commission.

Volumes Three and Four consist

#### Reference 17 - 0.01% Coverage

deserve to be better known.

The slavery report is, therefore, divided into two parts: the first part in Chapter Two covers the historical period of slavery, slave trade focussing particularly on aspects of the French period of slavery. The second part in Chapter Four examines briefly the transition that ex-slaves experienced. This topic has been the subject of study by many historians and much comparative work has been undertaken within the Caribbean, the USA and South Africa. Mapping the mobility must be strongly recommended as evidence points to land dispossession of large numbers over the years but defining moment for the ex-slaves which sealed their fate has not been done yet. Their mass conversion to Catholicism, particularly during the epidemics, and the continued hold of the Church on directing the actions of ex-slaves and their cultural orientation are briefly examined as one possible defining moment. The Church has played an important part in legitimizing the actions of plantation owners which resulted in curtailing the cultural freedom and physical mobility of descendants of slaves. The chapter also analyses how the population changed from being 'AfroMalagasy' to becoming 'Creole'. Did they become citizens?

Recommendations relating to the history

#### Reference 18 - 0.01% Coverage

take different forms, including overspending.

From anthropological studies made in Africa and Madagascar, the importance of lineage, ancestors and the dead ones, in the definition of Self, is duly recognised. Such is the case of some Asian societies as well. Self in traditional agrarian societies expresses itself through family roots and, most importantly, from the encounter of two lineages. Social cohesion is pursued and valued in that it fosters self-esteem. In the case of slavery, the ruptures in the succession of generations through the dysfunction of families and absence of reference to ancestry laid the basis for dispossession of Self. It is known that transmission of values across generations foster resilience and help to project oneself in the future.

Identification mechanism through lineage and

#### Reference 19 - 0.01% Coverage

for a generation of professionals.

By contrast, the absence of educating ex-slaves in even basic literacy skills pursuits meant that they lived without understanding the value of the written word. The absence of this knowledge meant safeguarding of documents was almost inexistent, leading to many cases of land dispossession due to fraudulent documents, inability to trace one's family tree, because documents were not preserved and so on. Functional illiteracy, enforced by the plantation system, caused irreparable harm to the ex-slave population.

What of the consequences for

#### Reference 20 - 0.01% Coverage

particularly those of Creole background.

Whilst 'illiteracy' is no longer enforced, as during the slave period, the former still prevails amongst a relatively important section of the population. Enforced illiteracy had several consequences such as: a lack of opportunity to acquire assets, dispossession of land, denial of political rights, and these have impacted on future generations in multiple ways. But illiteracy is the result of a system failing the children. Children fail the Certificate of Primary Education (C.P.E) exams without having mastered the skills of reading and writing. Schooling in Mauritius has not favoured an oral culture, which is generally closely tied to the 'being'

of the child. Working-class children, particularly those of slave descent, have experienced multiple forms of identity repression and denial, making it hard for them to connect to schools with middle-class values and ethos.

Failure rates are concentrated in

#### Reference 21 - 0.01% Coverage

2008,

the Commission had as

a mandate, to, inter alia, "enquire into a complaint other than frivolous and vexatious complaint made by any person aggrieved by dispossession or prescription of any land in which he claims he had an interest". The Commission had, further, the task to submit a comprehensive report on its findings, based on factual and objective information and evidence received by it. A Team was appointed to lead this enquiry into land dispossession and suggest recommendations to the Commission.

This mandate has also been read in conjunction with other clauses in the Act relating to the history of slavery and indenture and its consequences. Hence, it could not adopt a purely technical or legal approach and has considered the land dispossession issue in a more holistic manner than has been attempted so far in Mauritius. However, the time-frame proposed (two years) is much too short to be able to produce a comprehensive report as many documents are not available easily and extensive and in-depth searches were required. Recommendations for additional work on the cases are made towards the setting up of institutions to democratise access to technical persons and professionals, so that the members of the public not in possession of vast reserves of cash can fight, on a more equal basis, the holders of economic power who take them to Court.

The Commission had set for

#### Reference 22 - 0.01% Coverage

put the cases into shape.

It was observed that in most cases, the land information data submitted to enable the Committee to make a proper assessment and appraisal was not sufficient. The information given was very sparse and skeletal in nature. In many cases, no title deed, no "concession" plan, no Survey Report, no Constat/ Investigative Report was submitted in support of these claims. The absence of a family tree to justify a deponent's claim made it more difficult to understand the mechanism of dispossession. In other cases, claimants had difficulty in establishing the origin of the title justifying their claims.

Truth and Justice Commission 347

#### Reference 23 - 0.01% Coverage

which referred it for mediation.

Out of the 230 cases, brought before the Commission, 46 could not be fully investigated due to a lack of information or a lack of response to pursue the matter further. The rest was categorised for purposes of analysis and to search for trends in the mechanisms by which people had been dispossessed.

It was clear, however, that there was plenty of overlapping between these cases and, this was a stronger reason to treat the cases in a holistic manner. This was attempted for a number of cases by the Commissioners, and numerous persons competent in fields other than Land-related professions, but it was

not possible for all cases. The Commission has pointed the way for future searches to be conducted and for dispossession to be better controlled.

Sugar Estates

3 Tancred 4

#### Reference 24 - 0.01% Coverage

Land

6 François 123 Besagne

Sale by Levy Dispossession

116 Cathan Padayachy 137 Dasani

#### Reference 25 - 0.01% Coverage

This practice regrettably still prevails.

The Commission, whose mandate includes Rodrigues, held 30 working sessions on the island. Given that only 1/10th of the land surface in Rodrigues is privately-owned land, being former land grants ("concessions"), there is a lure for prescriptive acquisition on the part of the heirs. This has given rise to family conflicts which, sometimes, have led to interested parties being dispossessed.

The Commission has submitted relevant

#### Reference 26 - 0.01% Coverage

procedures for affidavits and prescription.

The Commission has observed that the costs involved for the recovery of land are an impediment to most people who feel they have been dispossessed of their property. In this connection, the Commission has made recommendations for the setting up of a LAND MONITORING AND RESEARCH UNIT. This unit will have the responsibility of examining any request for assistance, be it financial or legal. This recommendation is further developed in this Chapter.

The Commission also recommends that

#### Reference 27 - 0.01% Coverage

CHAPTER 5 of volume 2..

□ As regards the numerous cases of land dispossession and the various obstacles to recovering the same, the Commission wishes to recommend that a Land Research and Monitoring Unit be set up to cater for these obstacles. Further, the Commission recommends that a Land Division of the Supreme Court be set up to expedite matters in relation to land matters.

Furthermore, the Commission has also

#### Reference 28 - 0.01% Coverage

depriving people of their property.

In this context, the Commission recommends some measures that could alleviate people's sufferings and trauma. A LAND MONITORING AND RESEARCH UNIT, is being recommended to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds. The Commission has already started the Notarial Acts Database Project, a guideline to decipher and interpret the language in old French, which will help and better serve researchers, Notaries and Attorneys.

Duties of the land monitoring

#### Reference 29 - 0.01% Coverage

the irrigation of their fields.

#### 6. DISPOSSESSION

The Commission has observed that

#### Reference 30 - 0.01% Coverage

Truth and Justice Commission 365

#### VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 9.CASES OF LAND DISPOSSESSION

From the numerous cases heard before the Commission and significant research carried out, the Commission has come to the conclusion that on a general basis, cases of dispossession often arise because claimants are illiterate, without sufficient financial resources and face the uphill task of collecting the required documents.

In order to tackle any case of dispossession, a claimant needs first of all to collect the relevant documents, be it title deeds or establishment of succession rights through affidavits and secondly to bring the matter before the competent Court in order to have a judicial decision that shall validate his claim.

As stated earlier, the whole

#### Reference 31 - 0.01% Coverage

#### LAND RESEARCH AND MONITORING UNIT

1. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property;
2. To carry out an

#### Reference 32 - 0.01% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

The Malaise Créole had also to do with the history of the Creoles: the dispossession and suffering associated with slavery and its aftermath, the consequences of which can be seen in the persistence of poverty, social problems and political marginalization.

Despite the panoply of measures

#### Reference 33 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

10. Jose Rose of the Rastafari movement The Rastafari movement, constitutes a small group of Afro-Malagasy Mauritians established in Chamarel. They have been victims of racial prejudice in their history, because of their lifestyle. They feel they are not lesser citizens of the country. They have been dispossessed of their ancestral land and claim to be the poorest among the poorest class of descendants of former slaves.

11. Serge Antoine The author

#### Reference 34 - 0.01% Coverage

their social and historical background.

160. land dispossession

In line with the various

#### Reference 35 - 0.01% Coverage

##### LAND MONITORING AND RESEARCH UNIT

□ A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.

202. Continuation of a NOTARIAL

#### Reference 36 - 0.01% Coverage

Incentive for a comeback i.

Agaleans have never possessed any land or houses on Agalega, so dispossession does not apply. In his statement in front of the TJC, on 18 August 2010, Mr. Soopramanien said that the Agaleans are not in search of money as compensation but of social services as Mauritians (TJC Hearing N0.381 - 396). However, Agalean descendants, who have been deported, and want to come back to be reinstated and recover their rights of earning their living on what they consider their mother land, or the land of their ancestors, should be given priority in contractual work according to their competence especially in the field of fishing, construction, agriculture, cultural and social activities etc. (Ref statement of Gino Alfred & Co. on 18/08/10. No.126, 155, 166, 252, 353, 391). An addendum can be made to the note on Article 3.10, p. 8 of Collective Agreement (Document II) as follow: This is not an agreement to exclude employees residing in the islands of Mauritius and Rodrigues. It should be applied on the basis of priority of consideration to interested and eventually qualified Agaleans and/ or Agalean descent residing outside Agalega. i. of C.A (Doc. II) will automatically apply:

ii.

As there is no



#### Reference 37 - 0.01% Coverage

reasons why they were chosen.

During the Truth and Justice Commission mandate various investigations were undertaken and human research was conducted with and about people comprising of collecting oral testimonies and genealogical information including DNA consent. The Commission: (a) gathered primary and secondary evidences enabling inquiries into slavery and indentured labour in Mauritius; (b) determined appropriate measures to be extended to descendants of slaves and indentured labourers; (c) enquired into complaints of land dispossession and/or prescriptions given before the Commission and (d) submitted a comprehensive report of its activities and findings based on evidences gathered.

A responsible conduct of research

#### Reference 38 - 0.01% Coverage

better than one developed locally.

2. Landownership and dispossession

The cause of the absence

#### Reference 39 - 0.01% Coverage

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#### Reference 40 - 0.01% Coverage

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#### Reference 41 - 0.01% Coverage

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#### Reference 43 - 0.01% Coverage

a Notary in the original  
mortgage record official report dispossession  
change or transfer of ownership

#### Reference 44 - 0.01% Coverage

ASPECTS INTRODUCTION  
JACQUES DAVID COMMISSIONER  
DEALING WITH DISPOSSESSION: THE HUMAN FACTOR

This Volume deals essentially with land issues brought to the Commission by different persons. It highlights the analysis, conclusion and consolidated report of all the claims submitted to the Truth and Justice Commission at the very start of the work of the Commission in 2009 up to June 2010, according to its

objective of inquiring into land dispossession. Eighty-eight cases received by the Commission were referred to the Land Team after the 30th June 2010 which was the deadline for submission of claims. Despite all the efforts made by the Land Team, it has not been possible to process each of those cases. The Commission recommends that all these cases be looked into by a Land Research and Monitoring Unit, should the creation of such a unit be approved and set up by the Government.

#### MANDATE OF THE COMMISSION

Section

#### Reference 45 - 0.01% Coverage

the Commission to "enquire into complaint, made by any person aggrieved by a dispossession or prescription of any land in which he claims he had any interest".

#### WHAT IS DISPOSSESSION?

For the purpose of this exercise, DISPOSSESSION means (i)

(ii)

(iii) To eject; (iv)

#### Reference 46 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

privileged position to dispossess their ancestors of their property, because the privileged could read and write, draft title deeds, using a technical jargon not accessible to the common man, draw site plans, easily 'wrap up' plots of land, deprive them of access, use the "divide and rule" strategies among family members, corrupt them with small gains, with the ultimate aim of appropriating large plots of land for their own benefit. Some victims have invariably fallen prey to self-appointed consultants hiding behind beautifully-presented visiting cards, such as "Récupérateurs des terres", having access to documents either at the National Archives, the Mortgages Office, the Registration Office and the National Library and para-statal bodies such as the Nelson Mandela Centre for African Culture Trust Fund.

#### METHODOLOGY OF RESEARCH

In pursuance

#### Reference 47 - 0.01% Coverage

Trust Fund.

#### METHODOLOGY OF RESEARCH

In pursuance of its set objectives, the Commission categorised the different types of dispossessions as under :

- family problems;
- prescription;
- professional negligence

#### Reference 48 - 0.01% Coverage

of Housing and Lands.  
continued.

The Commission examined closely the cases on land dispossession from 1721 to 2011, conducted an in-depth study of Land Surveyors' reports, title deeds and deeds of concessions in order to clarify all inconsistencies with a view to better investigating and understanding the mechanism of dispossession. Extensive research was undertaken to analyse the dynamics of centralisation and mergers of the sugar estates and factories over the various eras.

Nevertheless, the setting up of the Truth and Justice Commission has been the catalyst to the claims referred by hundreds of families who feel that they have been dispossessed of their lands for generations. It was not surprising therefore that people flocked to the Commission to seize the opportunity to make themselves heard and explain what, for years, had been their struggle towards understanding and living the process of their ancestral dispossession. In a majority of cases, people were at a loss due to their inability to produce a valid land claim, a title deed, a site plan, a genealogical tree or a Notarial deed

#### Reference 49 - 0.01% Coverage

either insufficient, or no valid, information or a total lack of financial means on the part of complainants to attain their ultimate objective of proving their ownership of land. People relied mostly on their memory, focusing on the oral history transmitted by past generations, but many were unable to explain the mechanism that led to the dispossession of their lands.

It is strongly recommended that

#### Reference 50 - 0.01% Coverage

laid down in CHAPTER 5.

□ As regards the numerous cases of land dispossession and the various obstacles to recovering the same, the Commission wishes to recommend that a Land Research and Monitoring Unit be set up to cater for these obstacles. Further, the Commission shall also recommend that a Land Division of the Supreme Court be set up to expedite matters in relation to land dispute.

Concern has been expressed regarding

#### Reference 51 - 0.01% Coverage

measures that could alleviate people's sufferings and trauma. A LAND MONITORING AND RESEARCH UNIT, should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist

#### Reference 52 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER ONE HOW DISPOSSESSION HAS TAKEN PLACE Truth and Justice Commission 21

## VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS HOW DISPOSSESSION HAS TAKEN PLACE

In pursuance of its mandate, the Truth and Justice Commission has been concerned with dispossession of land and real estate. Dispossession has taken place in many ways as specified below:

### I. NON-PAYMENT OF THE

#### Reference 53 - 0.01% Coverage

their own faults and negligence.

Instead of joining forces and resources to fight the ones who have dispossessed them of their properties, they have fought among themselves.

Unscrupulous persons, taking advantage of

#### Reference 54 - 0.01% Coverage

Estates.

### VII. LACK OF PROFESSIONALISM

During the course of hearings, and while scrutinizing the case files, the Commission has noted with great concern and deep regret that some persons have been deprived and /or dispossessed of their properties, due to the fault and negligence

Truth and Justice Commission 23

#### Reference 55 - 0.01% Coverage

Local Governments and Governmental Bodies.

A few professionals have regrettably failed to discharge their duties and obligations. It may have happened that these professionals, with the connivance of some Land promoters and/or financiers and/or prospective purchasers, have been accessory for dispossessing people of their Land.

Furthermore, these professionals have failed

#### Reference 56 - 0.01% Coverage

acquisitive prescription,

to swear false

affidavits of prescription, transcribe these and end up having a legal title to the said plot of land. This situation thereby enables the same persons to dispossess the rightful owners or sell the plot of land, unless challenged. As matters stand, with the existing legislation, two major flaws contribute to this fraudulent system.

In its final recommendations at

#### Reference 57 - 0.01% Coverage

Rodrigues with the first grants

This lack of framework, planning and database has opened the door to many abuses where, over the years, Rodriguans have been victimized, dispossessed, aggrieved either because they are illiterate, with a low education, or do not have sufficient financial means to counter some people using some reprehensible devices through a system, which has, long, induced them to accept

#### Reference 58 - 0.01% Coverage

living on the said land.

This case does not reveal any dispossession. Nevertheless, the Commission has referred the request to the Land Commission of the Rodrigues Administration for whatever action is called for.

CASE NAME: MARIE THERESE LISETTE

#### Reference 59 - 0.01% Coverage

aid to the Social Security.

Hereto, there is no dispossession of land. Nonetheless, her request has been transmitted to the Rodrigues Regional Authority for whatever action is called for.

Truth and Justice Commission 115

#### Reference 60 - 0.01% Coverage

Rodrigues General Assembly act 2006.

Conscious that they were being dispossessed of their ancestral lands, an association known as "The descendants of Gabriel Bégué Welfare and Heritage Association" was formed in January 2010. The aim of the association is to establish a genealogy of all heirs and successors of the deceased Gabriel Bégué and to promote the history of the family since the arrival of Gabriel Bégué in Rodrigues. The family requests to the Commission to help them restore their "patrimoine" (heritage); to reset confidence in the heirs of their ancestors Gabriel Bégué and in the public in general; and to stop all the mal practices made by illegal occupiers especially with the help of the legal advisors. The petitioners have prayed the Truth and Justice Commission to intervene before the Chief Island Commissioners to stop the practice of allowing people who have no claim to the Bégué succession in making false declarations to the effect that they have elected domicile on part of the land and to carry an inquiry into the circumstances of a number of prescriptions that have been registered following false testimony of witnesses. Ronald Bégué mentioned a case where a person alien to the Bégué family has

successfully

prescribed also need to

#### Reference 61 - 0.01% Coverage

University of West Indies, 1990)

There is a strong perception among Mauritians of "inequality" in the distribution of land resources and of dispossession of those who did own land at some point in time.

In Mauritius, land was and

#### Reference 62 - 0.01% Coverage

to him to be transcribed”.

The Truth and Justice Commission has highlighted some of these issues during the hearings pertaining to some cases, for example, Clémentine (File No TJC/L/0142), Faoulez/ Macca (File No TJC/L180), Capiron (File No TJC/L/O31) and the Spéville/ Choolun, dealt with extensively in the Report on “Dispossession of properties as a result of false, inaccurate, doubtful, wrongly drafted, misinterpretation of affidavit of succession and wills and testaments”, at Chapter 5.

Wills are another method of

#### Reference 63 - 0.01% Coverage

concentration up to this day.

At the closing date of 30th June 2010, the Truth and Justice Commission received some 230 files from claimants in Mauritius and 30 others from Rodrigues, to be analysed and assessed in order to find out how dispossession occurred. The background highlighted above gives an idea of how things happened at different periods of our history.

The views of the Commission

#### Reference 64 - 0.01% Coverage

Metayer

18 7

19 6

Dispossession CHA

Succession Court cases Frivolous

Wills

#### Reference 65 - 0.01% Coverage

classified as Gens de couleur.

problems with regard to land dispossession.

Some 30 years ago, some

#### Reference 66 - 0.01% Coverage

Unrest in 1937 in Flacq.

This is a complex case with many loose ends, but, nevertheless, it seems to be a typical case of dispossession by Sugar Estates, of land belonging to a French colon, who had children with a woman slave.

The family was advised to

#### Reference 67 - 0.01% Coverage

of reference of "Succession Mayeur".

The Commission not only analysed the nature of the claim which is that of 'Dispossession of 200 Acres at Trois Ilots by

#### Reference 68 - 0.01% Coverage

present claim, has been found.

The Spéville case is lengthily discussed at Chapter 5 under the heading – "Dispossession".

\*\*\*\*\*

Truth and Justice Commission 154

#### Reference 69 - 0.01% Coverage

family to vacate the premises.

Finally, the whole issue was brought before the Court where the applicant lost the case. Médine Sugar Estate destroyed the house, bulldozed the land as well as the irrigational canal which provided water to the applicant and his family. He feels that he has been dispossessed by Médine Sugar Estate.

Furthermore, the applicant says that

#### Reference 70 - 0.01% Coverage

frontage on the Chemin Berthaud

The Commission, after having examined in-depth the claim of the heirs of Frederic Bonnefin, is of the opinion that the heirs Bonnefin may have a case in their favour and, should they feel dispossessed, they should seek redress in a Court of law.

\*\*\*\*\* CASE NAME: CELINE TJC/L

#### Reference 71 - 0.01% Coverage

0160/LAVIOLETTE Batour Marie Renée

Clency Laviolette and others claim ownership of 160 Arpents of land at Le Morne Brabant which they should have inherited from Joseph David Laviolette, their ancestor, but dispossessed through what the Laviolette family considers to have been illegally registered sale transactions as from 1899. He claims that his ancestor, Jean Baptiste Labonté, was the first owner of a plot of 210 Arpents in Le Morne Brabant. At his ancestor's death, his son David Labonté bought the land from all the heirs. The land has never been sold to either Joseph Keisler or Le Morne Brabant. The official Documents of sale of 210 Arpents refer to le Morne and not to Rivière Noire. All sale transactions right as from 1899 regarding this plot are illegal. This plot (160 Arpents) was surveyed by Land surveyor, Ramiah on behalf Le Morne Brabant Co Ltd recently is declared to be a surplus described in the title deed of David Labonté as per Volume 577 No. 48.

The Laviolette requests the Commission



#### Reference 72 - 0.01% Coverage

pay legal and research fees.

The Commission is of opinion that it is possibly another case of dispossession.

\*\*\*\*\* CASE NAME: MIGUEL TJC/ L/0025/ MALGACHE MYLENE born

MIGUEL

Mylène Malgache, the applicant, says

#### Reference 73 - 0.01% Coverage

un titre exempté de vices”.

In any case, the Commission has, at Le Bouchon, an example of dispossession of land through the procedure of acquisitive prescription by individuals.

\*\*\*\*\* CASE NAME: BUSAWON TJC/ L

#### Reference 74 - 0.01% Coverage

like to depone before the

Commission on a case of “land dispossession by Flacq Union Estates Limited” (FUEL). This case was heard on 20th November 2009 in presence of all Commissioners.

Deoduth Ramphul a well-known

#### Reference 75 - 0.01% Coverage

L/L/0117/ LECERF SYLVIE

Sylvie Lecerf put two cases before the Commission for assistance. In both cases, the applicant felt that she has been dispossessed of her inheritance by the Beau Champs Sugar Estates and by the Church.

Case 1 According to the

#### Reference 76 - 0.01% Coverage

properties of the small owners.

This is indeed a case of dispossession.

Case3: The plot of land

#### Reference 77 - 0.01% Coverage

TJC/L/0121/SUHAWON SOWKATALLY

Sowkatally Suhawon, the applicant avers that his father told him that the Suhawon family owned numerous plots of land inherited from Ahlaman Suhawon, his grandfather: 25 Arpents at Grand Port, 5 Arpents 18 perches at Savanne, 100 Arpents 50 perches at Grand Port; 100 Arpents 8 p at Cent Gaulettes, Mahébourg; 1 Arpent 50perches at Grand Port.; 37 Arpents 1 perche, 26 Arpents 14 perches; 397 Arpents 67 perches at Cluny; 2 Arpents at Courteau de Gros Bois, Grand Port; Trois Boutiques; 1 Arpent 50 perches at Grand Port;

and 50 perches from his father, Ahmod Suhawon. The heirs think that they have been dispossessed by Mon Desert Mon Trésor Ltd.

The applicant requests the help

#### Reference 78 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

- That the descendants of the said Marcelin Charlot have been dispossessed of the largest part of the land they had, leaving only the actual village of Camp Marcelin, thus explaining the unique and particular geographical position of the village.

The applicant explains that the

#### Reference 79 - 0.01% Coverage

of them leaving the site.

Even if this is not a case of dispossession, the Commission looked into the matter as this might result effectively into a way to dispossess the Boodeny of their land through an abuse of power.

It is confirmed that through

#### Reference 80 - 0.01% Coverage

the part of the Commission.

Case 10 • In brief, the Moolchand are implying that by the action of Basdeo Seetohul, they are being dispossessed of their property.

- It should be observed that

#### Reference 81 - 0.01% Coverage

the lady never turned up.

In view of the fact that searches have revealed that the name Raghoonundun Mohabeer is not registered as a landowner at the Office of the Conservator of Mortgages, and the lady has not shown further interest to pursue her claim, the Commission is unable to investigate further as no dispossession has been disclosed.

\*\*\*\*\* Truth and Justice Commission 254

#### Reference 82 - 0.01% Coverage

has complied with the judgement.

If the applicant wants to get the share of her husband in the land, she has to petition to the Master and Registrar of the Supreme Court for the division in kind of the property among all heirs entitled to a share. The Commission is of opinion that she is still a co-heir and has not been dispossessed of the shares and rights of her husband.

She has been called by

#### Reference 83 - 0.01% Coverage

a plot of State land.

Unfortunately, the Commission cannot be of any help to him but notes that the applicant has been dispossessed of his property as a result of debts.

\*\*\*\*\* CASE NAME: MANGALKHAN TJC/ L

#### Reference 84 - 0.01% Coverage

sum of Rs. 300,000.

In the light of the above, there is no case of dispossession before the Commission and Mr. Mohamed Yashin Nohur was informed accordingly.

\*\*\*\*\* Truth and Justice Commission 265

#### Reference 85 - 0.01% Coverage

by applicant Georges Karl Christophe.

On 15th August 1997, the Cabinet decided to release 4 Arpents of land at Carreau Ecalyptus, Batterie Cassée, for the purpose of constructing a polyvalent Sport Complex. The "Movement Bien-être Batterie Cassée" is complaining that nothing has been done up to now. The documents produced do not reveal a dispossession. As Batterie Cassée is a sensitive area where the residents feel excluded, the case has been referred to the Social Justice Section.

\*\*\*\*\* Truth and Justice Commission 274

#### Reference 86 - 0.01% Coverage

the claimant has still to

show how he has been dispossessed. \*\*\*\*\*

But he knows that his

#### Reference 87 - 0.01% Coverage

perches situated at Dagotière, Valetta.

The applicant's grandfather, Ramdayah Ramkalawon, and grandmother, Durmateea Ramkalawon, maintained during their lifetime they once occupied and worked on a plot of land of approximately of 1 Acre in Dagotière. After the death of Ramdayah Ramkalawon, Durmateea asserted that they were dispossessed of that plot of land by their close relatives. The applicant did not clarify how this dispossession had taken place. However, it appears that the dispossession occurred in, what she qualifies, "an unjust manner."

The applicant and her family

#### Reference 88 - 0.01% Coverage

## REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

He claims that his ancestors had a plot of land in the region of Grand-Port District. He avers that his family has been dispossessed of the land which is at present occupied by S.I.T.

He wants to recover the

### Reference 89 - 0.01% Coverage

of the prescription before Court.

- This is a clear case of dispossession and Chilla Marianne Françoise Ragoo has been advised by the Commission to seek redress by initiating legal action before the appropriate Court.

This is a sad case of a person who has received a plot of land by Will and Testament but which has been prescribed by a third party, in an attempt to dispossess the real owner.

\*\*\*\*\* CASE NAME: RAMTOHUL TJC/ L

### Reference 90 - 0.01% Coverage

from the planters of Flacq.

This case of “métayage” and not dispossession is being dealt with in this Report of the Commission at CHAPTER 2

\*\*\*\*\* Truth and Justice Commission 284

### Reference 91 - 0.01% Coverage

Truth and Justice Commission 296

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER FIVE DISPOSSESSION OF PROPERTY Truth and Justice Commission 297

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS DISPOSSESSION OF PROPERTY INTRODUCTION

From the applications made, documents submitted, and during the hearing of several land cases, it has become apparent that several persons have lost their properties and/or have been dispossessed of their properties due to the false, inaccurate, doubtful, wrongly-drafted misinterpretation of affidavits of succession and Wills and Testaments.

Some affidavits and Wills and

### Reference 92 - 0.01% Coverage

Côteau Raffin” as well as

dispossessed of their rights on the said portion of land as nowadays the “Société du Petit Morne” is occupying the land.

The applicant avers that Sieur

### Reference 93 - 0.01% Coverage

was accessible at low tide.

At the death of the said Mylis, who was illiterate, the family seemed to have been dispossessed by the family to whom the land was leased as it was difficult for the Spéville family to visit frequently the property as they were still living in Pamplémousses.

The Commission looked closely into

#### Reference 94 - 0.01% Coverage

it had been tampered with.

The Commission was called upon to probe more deeply into this case in order to find out if there has been dispossession, examined all various transactions and wishes to establish whether these irregularities had not open the doors to fraud.

One Marie Yolande Andrea César

#### Reference 95 - 0.01% Coverage

not. THE GUIBIES/ PAILLES CASE

The Commission has come across a typical case of dispossession by prescription of several plots of land which surrounded a very large portion of land. The Commission is duty bound to refer to that particular case.

The prescription was done just

#### Reference 96 - 0.01% Coverage

Truth and Justice Commission 340

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER NINE FINDINGS AND RECOMMENDATIONS LAND DISPOSSESSION

The setting up of the

#### Reference 97 - 0.01% Coverage

the economic and social ladder.

Very few people were aware of the fact that the mandate of the Commission was to inquire into how people had been dispossessed of their properties and by what means.

Following findings of the Commission

#### Reference 98 - 0.01% Coverage

for the lost of land.

The issue of land dispossession was also raised in the interviews West and South-West (Black River and Savanne Districts) with almost all the informants pointing out that the slave descendants lost their land.

Almost all the informants pointing

#### Reference 99 - 0.01% Coverage

their own kins. They were dispossessed of their land because they were illiterate or negligent. The surface of the land that was lost is very important ones. Had the respondents still owned them today, this would certainly have been an excellent way to better their future and overcome their poverty.  
Some claim to have title

#### Reference 100 - 0.01% Coverage

Now there is emancipation.- (R8)  
Dispossession has indeed occurred throughout different periods and through different means and highlighted either under the headings of "DISPOSSESSIONS" at Chapter 5 or more profoundly under "PRESCRIPTIONS" at Chapter 6.  
The sample of cases under

#### Reference 101 - 0.01% Coverage

to protect one and all.  
In fact, people can easily be dispossessed of their properties, more so by a system which opens the Truth and Justice Commission 344  
VOLUME 2: LAND REFORM – LEGAL

#### Reference 102 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS  
door to all sorts of malpractices on the part of certain professionals called upon to protect the interests of one and all. It is even easier to prescribe a plot of land whereby a Notary has simply to fetch two witnesses for a mean Rs 100 to swear an affidavit of prescription. But, it is extremely difficult for someone, without sufficient financial means who wants to safeguard his rights. The hurdles are set so high. All those who have been dispossessed of their land should, in the actual system, have recourse to a land surveying, establish his family tree, secure the services of a Notary and an Attorney to prepare and plead his case in Court. The larger the extent of land, more costly becomes the bill for surveying; the longer the case remains on the Register of the Court roll, the more they have to pay. The case of Louis Chérubin (Karl) Lamarque - (File TJC/L/0048) is an example.  
All those who came to

#### Reference 103 - 0.01% Coverage

to the procedure of prescription.  
laid down in the proposed Affidavit of CASES OF LAND DISPOSSESSION

THE COMMISSION FINDS: From the numerous cases heard before the Commission and significant research carried out, the Commission has come to the conclusion that on a general basis, cases of dispossession often arise because claimants are illiterate, without sufficient financial resources and face the uphill task of collecting the required documents.

In order to tackle any case of dispossession, a claimant needs first of all to collect the relevant documents, be it title deeds or establishment of succession rights through affidavits and secondly to bring the matter before the competent Court in order to have a judicial decision that shall validate his claim.

As stated earlier, the whole

#### Reference 104 - 0.01% Coverage

##### LAND RESEARCH AND MONITORING UNIT

The functions of the Land Research and Monitoring Unit would be: 1. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property; for the technical side of

#### Reference 105 - 0.01% Coverage

##### RIVER AND SAVANNE DISTRICTS) FINDINGS

The issue of land dispossession was also raised in the interviews with almost all the informants pointing out that the slave descendants lost their land. They were dispossessed of their land because they were illiterate and these injustices have to be repaired. The relationship of the latter with land is not solely practical (such as for economic reasons) and physical but also symbolical as indicated by Elizabeth for whom land is not physically important but the symbolism of the land is important because she remembers the sufferings of her ancestors on that land. She does not have any physical attachment to the land and does not want to go back on the land where she was born and where her ancestors lived. But many young people are claiming back the land which was not theirs and which neither belonged to their ancestors. They do not understand the importance of the symbolism of that land.

##### GENERAL RESEARCH FINDINGS

Almost all

#### Reference 106 - 0.01% Coverage

slavery in the school curriculum.

We should distinguish between slavery and slave ancestry for according to Shirley following mixed relationships the notion of pure descendants of slaves is erroneous and with evolution there is a need to remember and preserve the memory of slavery and slave origins. Moreover, for almost all informants, the question of being or not of slave descent is a political discourse and is no more the key issue. Chris stated that it is time to stop talking of slave ancestry and to start considering reparation for the damage and wrong caused to descendants of slaves who were dispossessed of their land and have since been oppressed. Instead of giving money to the descendant of slaves, there are other means to improve their life such as improving.

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#### Reference 107 - 0.01% Coverage

##### RIVER AND SAVANNE DISTRICTS) FINDINGS

The interviews made apparent that in Mauritius to succeed people need to be wealthy and that there are still people who work for 250 rupees for a day's work starting at 6 hrs 30 to 16 hrs. Discrimination, inferiority and superiority views and values are based on occupation, skin colour and name. The Indians and Chinese were abusive and manipulative with them. One of the reasons put forward for the over-representation of Creoles descendant of slaves in absolute and relative poverty is because when freed the slaves received no training and no education and were dispossessed of their land because they were illiterate and not long sighted and were deceived financially.

For example, Shirley's family had

#### Reference 108 - 0.01% Coverage

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Illegal land occupation -----	
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##### SLAVE CAMP CITÉ: LA MIVOIE

Toilet and Bathroom Facilities -----	
----- 145 Land Dispossession -----	
----- 145 Child Prostitution -----	
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5. CONTEMPORARY CITÉ LA MIVOIE	

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generations settling in the Cité.

##### Land Dispossession

Field research uncovered cases of land dispossession by some of the local estate owners and some residents even mentioned that these dispossessions were made possible with the support of local authorities and politicians.

However, these testimonies should be

#### Reference 111 - 0.01% Coverage



verify and affirm these allegations.

The Cité dwellers identified two local families namely, the Colfir Family and Maison Rouge Family that were dispossessed of their land by the Maingard Family.

... ti ena enn fami Jany

#### Reference 112 - 0.01% Coverage

were papers missing to continue...)

The history of these 'dispossessed families', and especially of the Albert/Colfir Family who reside in the Cité, forms part of the collective memory of Cité La Mivoie. These family histories are still alive in the memories of the residents – all respondents mentioned having heard that these families were landowners and that they were dispossessed of their property even though some were more knowledgeable than others who did not know the detailed story.

Even if the Colfir Family

#### Reference 113 - 0.01% Coverage

land as their own.'

Therefore, these alleged cases of land dispossession remain to be investigated to determine whether or not these families were actually disposed of their land and in instances that they were not the real owners, it is of utmost importance to understand the wherefore of their belief of having been disposed.

However, whether or not they were really dispossessed of their land, these stories of dispossession have a symbolical function for the local residents such as they represent the power struggle between the elite who have power, in this context, the Franco-Mauritians and the Creoles who have limited or no power. It reminds them of how the Creoles were and are still victims of prejudices and discriminated against. It can be said that the stories on land dispossession form part of the local legend.

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#### Reference 114 - 0.01% Coverage

economic growth and environmental sustainability.

- Land Dispossession

In line with the various

#### Reference 115 - 0.01% Coverage

meeting the Millennium Development Goals

Land Dispossession

Promote 'effective and democratic land

#### Reference 116 - 0.01% Coverage

be undertaken in this field.

Sense of legitimacy, dispossession of self, cognitive dissonance, inner conflicts are interwoven. They result from the social structure of slavery. On a more individual level, they are linked with a wide spectrum of factors:

Impossibility to position oneself in

#### Reference 117 - 0.01% Coverage

##### SCAR OF SLAVERY ON DESCENDANTS

generations through the dysfunction of families and absence of reference to ancestry laid the basis for dispossession of self.

It is known that transmission

#### Reference 118 - 0.01% Coverage

period, the former still prevails

amongst a relatively important section of the population. Enforced illiteracy had several consequences such as: a lack of opportunity to acquire assets, dispossession of land, denial of political rights, and these impacted on future generations in multiple ways. But illiteracy is the result of a system failing the children. Children fail the Certificate of Primary Education (C.P.E) exams without having mastered the skills of reading and writing. Schooling in Mauritius has not favoured an oral culture, which is generally closely tied to the 'being' of the child. Working-class children, particularly those of slave descent, have experienced multiple forms of identity repression and denial, making it hard for them to connect to schools with middle-class values and ethos.

resources and, in some cases

#### Reference 119 - 0.01% Coverage

nowadays.

The era of independence

The advent of Independence in 1968 marked a new departure in Social Justice and equal opportunities for each and every one. Social Justice was reinforced in specific clauses in the Constitution which prohibits discrimination on the basis of race, colour, gender, caste, public opinion, etc. Any citizen feeling aggrieved by dispossession of his rights can appeal to various institutions set up, such as the Ombudsman, the Independent Commission Against Corruption (ICAC), the Appeal Tribunal, as regards appointments and promotions in the Civil Service, the Human Rights Commission, quite apart from any complaints which may be lodged through the competent Law Court.

Various legislations have been enacted

#### Reference 120 - 0.01% Coverage

##### SOCIETY UNDER COLONIALISM - SOCIAL JUSTICE

The Malaise Creole had also to do with the history of the Creoles: the dispossession and suffering associated with slavery and the aftermath of it, the consequences of which can be seen in the persistence of poverty, social problems and political marginalization.

Despite the panoply of measures

#### Reference 121 - 0.01% Coverage

as method of refuse disposal.

It is most probable that after the abolition of slavery and the Apprenticeship System, the freed slaves had access to land, and later on, they were registered as landowners. Whilst in Mauritius, the freed slaves lost their land (either they sold it for a meagre sum of money or were dispossessed of their land, as they did not have land deeds to prove their ownership); in Rodrigues the situation was different.

Indeed, the local residents were

#### Reference 122 - 0.01% Coverage

their colonisation, forced displacement and

dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development and return to their homeland.

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#### Reference 123 - 0.01% Coverage

the TJC scope of investigation.

Land Dispossession The Chagossians forced dislocation and resettlement is a history of land, and property and resources dispossession. The latter were deprived of their rights to property ownership, physical integrity and decent living and housing conditions.

The United Nations Declaration of

#### Reference 124 - 0.01% Coverage

2 Incentive for a comeback

10.2.1 Agaleans have never possessed any land or houses on Agalega, so dispossession does not apply. In his statement in front of the TJC, on 18 August 2010, Mr. Soopramanien said that the Agaleans are not in search of money as compensation but of social services as Mauritians (TJC Hearing N0.381 - 396). However, Agalean descendants, who have been deported, and want to come back to be reinstated and recover their rights of earning their living on what they consider their mother land, or the land of their ancestors, should be given priority in contractual work according to their competence especially in the field of fishing, construction, agriculture, cultural and social activities etc. (Ref statement of Gino Alfred & Co. on 18/08/10. No.126, 155, 166, 252, 353, 391). An addendum can be made to the note on Article 3.10, p. 8 of Collective Agreement (Document II) as follow: This is not an agreement to exclude employees residing in the islands of Mauritius and Rodrigues. It should be applied on the basis of priority of consideration to interested and eventually qualified Agaleans and/ or Agalean descent residing outside Agalega.

10.2.2 4.3 **Name: References to Estate in Mauritius Report**

<Files\\Mauritius Report> - § 1019 references coded [4.01% Coverage]

Reference 1 - 0.01% Coverage

AND SUGAR 1815-1835 -----	137
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CHAPTER FOUR LEGACIES, CONTINUITIES AND	

Reference 2 - 0.01% Coverage

Mauritius in that:

(i) (ii)

they are poorly housed, in that a majority of them live in housing estates, devoid of bare amenities and in over crowdedness;  
literacy is rampant in their

Reference 3 - 0.01% Coverage

allocation of food and housing.

Land acquisition by Indian immigrants was greatly facilitated by sugar estates owners in order to put to use much of the marginal lands held to maximize sugar production. The massive purchase of uneconomic plots of land through morcellement was another way to plough back whatever savings had been made by immigrant workers thanks to great personal sacrifice and hard work. It is true that by the year 1900 around 40% of the land surface under cane cultivation were held by Indian immigrants and their descendants; production was however on the low side less than 20 % of national output in sugar. But much of the land acquired were uneconomic in spite of invisible labour provided by the small planters themselves This emerging class of small planters represented hardly a third of the bulk of Indian- Mauritians, the rest until the second half of the last century continued to lead a precarious life as labourers on sugar estates or as unemployed.

With the drop in prices

Reference 4 - 0.01% Coverage

precarious living and working conditions.

The centralization of sugar estates and sugar mills throughout the 20th century has brought in its wake much loss of employment whose conditions of work and wages left much to be desired. Many have been laid off without any form of compensation.

To the credit of the

#### Reference 5 - 0.01% Coverage

higher education for their children.

The inside story of Indian immigrants and of their descendants continued to be marred by caste prejudice. Class demarcation was even encouraged on sugar estates when it came to appoint labour supervisors (sirdars). On sugar estates until recently the sirdars emerged as a class of employees who wielded considerable power and received higher wages and could thus acquire the best plots of land from estate managers. In spite of the fact that connection with India has been severed more than a century, caste prejudice continues to dominate much of the religious, social and political life among people of Indian origin while such prejudices become exacerbated at election time.

ECONOMY

The slave trade allowed

#### Reference 6 - 0.01% Coverage

exacerbated at election time.

ECONOMY

The slave trade allowed many in Mauritius and France, to accumulate wealth. This paved the way for investment in estates, land and business. The fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th

and 19th indentured labour in

#### Reference 7 - 0.01% Coverage

and many in absolute squalor.

The Commission recommends that immediate plans be introduced to audit existing housing estates with a view to upgrading and, where necessary, to embarking on new decent (not low-cost) housing projects.

Many housing estates have buildings constructed with asbestos, a toxic substance which is damaging to health. These houses should be pulled down on a phase to phase basis and other units constructed with proper material. Many housing estates, now known as residences, are devoid of kindergarten, playgrounds and some are without community centres. These shortcomings should be addressed.

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#### Reference 8 - 0.01% Coverage

autonomy be allocated a plot.

37. A JUNIOR SAVINGS ACCOUNT TO BE OPENED BY EVERY PARENT FOR ALL CHILDREN UNDER 18 IN EVERY CITE OR HOUSING ESTATE OR POVERTY POCKETS TO GIVE THEM A HEAD START IN LIFE WHEN THEY GRADUATE FROM COLLEGE OR UNIVERSITY.

1. The starting sum to be decided by the Implementation Arm of the Commission and funded by all business enterprises, sugar estate owners, all IRS and ERS owners and from EU money given to Sugar Industry and for gender-related activities.
2. Parents should contribute, and

#### Reference 9 - 0.01% Coverage

run on a sound basis.

49. TO PROVIDE ASSISTANCE TO RESIDENTS OF HOUSING ESTATES BY THE RECRUITMENT OF A NEW CLASS OF PSYCHO-SOCIOLOGISTS AND SOCIAL WORKERS

- i. and in such other

#### Reference 10 - 0.01% Coverage

RECOGNIZE VOLUNTARY WORK AS WORTHWHILE.

Often linked with charity work, social work and psychological and sociological support are essential elements to bring about a new mind-set in people living in housing estates and in similar milieux. Voluntary work should be encouraged among Mauritian citizens, and especially among young people.

51. ESTABLISHMENT OF PROGRAMMES AIMED

#### Reference 11 - 0.01% Coverage

OF MIVOIE. 73. SOCIAL ORGANISATION

The State should ensure that every child in the housing estate enjoys the right to a standard of living adequate for his/her physical, mental, spiritual, moral and social development.

74. HOUSING CONDITIONS

- i. The

#### Reference 12 - 0.01% Coverage

social development.

74. HOUSING CONDITIONS

- i. The Commission recommends a full environmental and medical survey in Cité La Mivoie and other housing estates to ensure that incidences of ill-health and mortality in the Cités are not asbestos-related.

75. CHILD PROTECTION

- i. When

#### Reference 13 - 0.01% Coverage

Mozambique, India and West Africa.

International trade and, in particular, long-distance trade, developed to a great extent in the 18th century; by the 1780s, France was the largest trading maritime power in Europe.<sup>5</sup> The total value of French long-distance trade with Africa, Asia, America and re-exports to the rest of Europe was equal to £25 million, whilst

that of Britain was only £20 million. This state of affairs explained the growing importance of Port Louis as a centre of entrepôt trade. Among the French colonists, the lure of easy money and the importance of commercial activities contributed to their lack of interest in agriculture. Slave trade, both legal and illegal, was an important aspect of the French international trade in the Indian Ocean. According to J.F. Dupon, the growth of speculative transactions thwarted the establishment of relatively permanent estates and plantations.<sup>6</sup> A class of traders and merchants (or négociants) developed and thrived.

The period between 1735 and

#### Reference 14 - 0.01% Coverage

streets of the capital.”<sup>15</sup>

The social and economic forces in Mauritius, at that time, wielded much political influence. The planter community were predominantly of French origin, with some British planters. There was, moreover, an important presence of British traders and financiers, either through a company, representing their interests, or through an office set up in Mauritius. They provided credit to the planters to such an extent that around three-quarters of the sugar estates were owned by them in the early 1830s.<sup>16</sup>

A strategic alliance was formed

#### Reference 15 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

emancipation outcome and much debate on the issues; moreover, the paper of Douglas Hall (1978) takes into consideration the conditions prevailing on the plantations at the time of emancipation and, in particular, the case of British Guiana which is rather similar to the case of Mauritius. According to Douglas Hall in his paper “The flight from the estates reconsidered: The British West Indies” (1978),

“By 1842, the immediate reactions of both planters and ex-slaves to the emancipation had occurred, and although some measure of stability had been achieved in labour relations, there was general complaint on the part of employers of the scarcity, the unreliability and the high price of estate labour”.<sup>18</sup>

Thus, in British Guiana, the withdrawal of the emancipated enslaved peoples reflected for more positive reactions to prevailing rates of wages and local market prices and their desire to preserve their freedom. In fact, almost all the ex-slaves remained on the estates of the planter Henry Barkly.

Secondly, the emancipated enslaved people

#### Reference 16 - 0.01% Coverage

West India Colonies in 1842:

“I was told by the negroes on Highbury estate, when I went there, that it was all nonsense that the Queen made them free without giving them a free house and land, and they called upon me to carry out that proposition, by giving up the houses and grounds.”

In Mauritius, attention has been

#### Reference 17 - 0.01% Coverage

sur la plupart des propriétés...”

(Eng. Trans «Here, it was better handled. It is true that there was a point of comparison: the pay of indentured labourers. It is on this pay that has been calculated the remuneration for 'extra service', and the transition will be a natural one on most estates.»)

But the British Imperial Government

#### Reference 18 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

In fact, the family-owned sugar estates and factories of the 19th century would progressively merge to form ever bigger sugar companies.

Moreover, in the 1870s, Europe

#### Reference 19 - 0.01% Coverage

indentured labourers were very harsh.

Following the suspension of the importation of indentured labourers in 1839 until 1842 and the related uncertainties with respect to the supply of labour, planters did their best to ensure that labourers were bound to the sugar estates by controlling them in various ways. Legislation, accordingly, was passed, from 1844 until 1867, some of which was very repressive indeed.

Thus, Ordinance 40 of 1844

#### Reference 20 - 0.01% Coverage

market to the highest bidder.

The overall consequence of the legislation was to depress wages of indentured labourers. This process culminated in the 1867 Labour Law, whereby all Indian immigrants had to carry a pass, thus extending the coercive laws of the "Old Immigrants". The overall objective was to keep old immigrants tied to sugar estates and hence to depress further the wages of the labourers.

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#### Reference 21 - 0.01% Coverage

##### Transformation of the Sugar Industry

The impact of international competition, especially with the development of European beet sugar and Britain's policy of free trade was such that the Sugar Industry had to innovate, to bring in new machinery, to improve upon the manufacture of sugar, to develop new cane varieties and to improve field work. In particular, this process demanded a restructuring of the Industry; small family-owned sugar estates and factories merged to produce company owned sugar estates. A process of centralization of factories and concentration of capital began. This process demanded much capital and the parcellisation of land provided the means by which capital could be mobilized. The sales of plots of land to Sirdars, traders, middlemen, free Indian passengers and exindentured labourers occurred during the grand morcellement as from the 1870s; this process gained momentum in the 1880s and the 1890s.

The economic transformation of the



#### Reference 22 - 0.01% Coverage

whilst others settled in Mauritius.

However, labourers on the sugar estates faced harsh conditions, so much so that now and then, they reacted. In particular, in the 1870s, with the help of the planter A. de Plevitz, they sent a petition to the Governor, expressing their discontent. Thereafter, the British Colonial Government brought some improvements in their working conditions, following the recommendations of a Commission of Enquiry set up to look into their discontent. But, in practice, new legislations were not being implemented as expected. Moreover, wages of sugar estate labourers were generally low during the 1870s and well until the 1930s. In terms of paid wages, the Sirdars earned about three to four times the wages of labourers.

(See Volume 4 Part VIII

#### Reference 23 - 0.01% Coverage

the other classes consumed coffee.

Both the Colonial State and the plantocracy converged in their policies of extracting as much as possible from the labouring classes, whether in the sugar cane fields or in the form of taxes. By the beginning of the 20th century, unemployment and poverty were on the increase and there were a large number of applicants for Poor Law relief. The estate owners wanted, at all costs, an abundant supply of cheap labour during harvest time so that the price of labour, that is, mainly wages, could be kept down. In turn, wages outside the plantation were equally depressed. Unemployment and poverty were engineered and sustained by the plantocracy and the Colonial State to ensure the availability of cheap labour.

This is well illustrated by the following exchange between sugar estate owners and the Commission. To the question from a Commissioner "Do you pay indentured coolie a much lower wage than the free coolie?", Hon. P.E. de chazal answered 'Yes, because they came under an agreement'.

Similarly, the following questions and

#### Reference 24 - 0.01% Coverage

the Depression of the 1930s

With the First World War, there was a temporary shortage of sugar on the world market and prices shot up in 1921. The sugar estate factory-owners invested accordingly in sugar manufacture. The small planter community bought more land in the hope of increasing its revenue. But the boom was temporary; the finances of the Sugar Industry were strained and many small planters had to abandon their land by the end of the 1920s.

The British Imperial Government once

#### Reference 25 - 0.01% Coverage

or to the labouring classes.

In 1929, the British Government sent Sir Francis Watts to enquire into the conditions of the Sugar Industry; and two years later in 1931, two Financial Commissioners, I.D. Elliott and N.G. Loughnane, were dispatched to Mauritius. The former recommended assistance to the Sugar Industry; the latter found that some sugar

estates were making profits over the years, whilst some were operating at losses, having been badly managed at the time of the boom year of 1921. They wrote in their report that:

"A considerable part of the

#### Reference 26 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

The double standards within the Sugar Industry prevailed even in such severe crisis periods. There was overall progress for the estate owners; some could even afford capital exodus, let alone sustain their way of life. But poverty, unemployment and overall underdevelopment persisted for the labouring classes.

##### 1.4.3 Labour, Poverty

#### Reference 27 - 0.01% Coverage

##### 3 Labour, Poverty and Resistance

The reduced wages of Sugar Industry labourers, together with heavy taxation raised by the Colonial Government, made their lives very difficult indeed. The depression had a general effect of increasing unemployment and depressing wages, thus causing an increase in the level of poverty among the laboring classes and the poor. This resulted in the impoverishment of the labouring classes in the 1930s on the one hand, and in the emergence of the Labour Party, through its public meetings, on the other hand. All this created conditions for the development of resistance by these classes. In effect, the 15 per cent decrease in the prices of the Uba cane variety by some sugar estates in 1937 triggered off protests, processions, strikes, marches and generally demands for better wages and against unemployment. In the process, shots were fired by the management of the Union – Flacq Sugar Estate, owned by the Gujadhur family, new sugar magnates of Indian origin, killing four labourers/small planters.

Those events of 1937 are

#### Reference 28 - 0.01% Coverage

regard to the laboring classes.

The Colonial State reacted by means of a mix of approaches. There was a policy of severe repression of workers and their leaders on the one hand and of control of the labouring classes through legislation and through the setting up of the Labour Department and other institutions, including some to address the problems of small planters. The founder and leader of the Labour Party, Dr M. Curé was placed under house arrest, whilst, the trade unionist E. Anquetil, a close collaborator of Dr M. Curé, was deported to Rodrigues. Some strikers were imprisoned. For the dockers' strikes of 1938 in Port Louis, the Colonial State used 'black legs' to break the strike in close collaboration with the Mauritius Sugar Syndicate. In fact, the Governor, Sir Bede Clifford asked Mr Jules Leclezio of the Mauritius Sugar Syndicate "to arrange for the sugar syndicate to get into immediate touch with a selected number of estates to collect all the suitable labour required for unloading the trains and loading the lighters...."26

Two Commissions of Enquiry were instituted; they made recommendations which the Colonial Government implemented to a large extent. Moreover, in the "Report of the Commission of Enquiry on the disturbances which occurred in the North of Mauritius in 1943", criticisms of the estate owners and their quest for cheap labour were voiced. In particular, the Commissioners wrote:

"Some employers failed to appreciate

#### Reference 29 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

provided for a guaranteed market for the sugar of Mauritius at reasonably negotiated prices. This agreement created conditions for the development of the Sugar Industry, especially for the sugar estate and factory-owners. Again, they reaped most of the benefits of the agreement and they accumulated sufficient capital to allow them to diversify their investments in the Tourist Industry and the export processing zone later in the 1970s.

Moreover, whilst there were some

#### Reference 30 - 0.01% Coverage

##### TRUTH AND JUSTICE COMMISSION Introduction

The slave trade permitted many in Mauritius and France, to make small or big fortunes. That latter were invested in estates, land and businesses. The fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th centuries. To more fully document this trade for present and future generations, a Slave Trade database was started and is recommended to be an on-going project which TJC has requested the University of Mauritius and the Nelson Mandela Centre to continue jointly. It will hopefully continue to link up with existing scholars and institutions, such as Thomas Vernet, Benigan Zimba and Richard Allen, to name a few, to pursue the analysis of the slave trade. Younger scholars need to be trained to take up the task and scholarships provided to go overseas.

As far as slavery is

#### Reference 31 - 0.01% Coverage

in facilitating the slave trade.

The ownership of many sugar estates of the 19th century can be traced to the days of slave trading when the captains of those ships were also trading in slaves and benefitted materially from them. The names of captains and some armateurs can be found in the names of owners of estates established in the early years of sugar estates being established. Many of course never survived the various economic crises and restructuring that occurred in Mauritius throughout the 19th and 20th centuries and closed down.

Stein argues that the personal

#### Reference 32 - 0.01% Coverage

grâce à de dépenses énormes<sup>136</sup>

Rather than import small farmers and cultivators from France, the Company and Government had favoured 'gentleman farming', (Labourdonnais had also envisaged this), with large estates owed by one European colonist using the labour of African, Malagasy and Indian slaves.

The ratio of white to

#### Reference 33 - 0.01% Coverage

in 1762 6,000 piastres.

Living and material conditions differed greatly among slaves in each of these groups and it would be wrong to generalize on their conditions. The conditions on the estate of Rostaing who owned nearly 800 slaves, for example, were not matched elsewhere. All had a house and a garden all lined up in a row and guarded by black overseers.<sup>141</sup>

## 2.2 Treatment and behaviour

### Reference 34 - 0.01% Coverage

au profit de Sa Majesté<sup>147</sup>

Further regulations were introduced after Governor Dumas and Intendant Poivre came to the island.<sup>148</sup> One ordinance prevented the sale of bread to slaves, for example. The Ordinance of 27 September was, however, far-reaching. It reinforced the hold of Christianity on the lives of slaves and imposed on colonists and slaves the task on Christianising slaves. Christian slaves could be named Commandeur (head of section), but not a non-Christian slave (Art. 4); Christian slaves could not be sold to a 'gentile or Muslim' owner (Art. 6). One cannot but point to similar situations in the hierarchy for the technical personnel of sugar estates in 19th and 20th centuries where Christians become heads in the sugar factory.

Social and economic life

The

### Reference 35 - 0.01% Coverage

imports and supplies to slaves

The shift to a single cash crop economy was accompanied by much increased imports of rice and wheat from Madagascar, India, South Africa and other countries. On many estates, slaves were temporarily given plots on which they were allowed to farm vegetables and rear animals. They were also provided with rations every day of every week. None of these could actually ensure an adequate supply and variety of food to slaves. Owners who preferred to distribute rations depended on their availability and their own financial liquidity, quite apart from their own willingness to follow the legal requirements which were quite low. Moreover, locally-grown supplies were often destroyed by cyclones and drought, causing serious shortages bordering on famine. It is not known what each estate actually produced and whether this was sufficient.

A 70-kg male slave

### Reference 36 - 0.01% Coverage

an 'epidemic' scale.

Food rations

The 2 lbs of maize given in the 'French' period were converted by the British equivalent to 5 lbs of manioc or 30 ounces of prepared manioc, or 5 lbs of sweet potato (patate) which was not available in the rainy season between October and February. When these were not available, it was replaced by 1/2 lbs of rice. On some estates, rations would be distributed straight after work in the evenings, so that slaves could begin preparing dinner. Sundays were also ration days. This daily ration provided

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2,500 to 3,500 kcal of high bulk and high carbohydrate food. Telfair claimed he provided each slave with 600 pounds of rice or 1,000 pounds of maize per year, i.e. equivalent to 3,000 to 5,000 kcal per day, apart from vegetables, yams, cambards, sweet potatoes, and groundnuts grown on his estate. But the slave ration, consisting of only 1.25 pounds of maize or 3 pounds of manioc, was also commented upon by Governor Cole in 1825.

Rice was given when other foods were not available. On some estates, rice was given once a week on Sundays, while on weekdays, they were fed manioc. Aside from manioc, slaves received half a herring and 1 lb of salt every Sunday. Disputes with owners occurred over the measurement of rations, with complaints being lodged about smaller measures being used. On large plantations, slaves also received salt, 2 ounces of salted fish or meat (occasionally) and a cup of 'arrack'. On some estates, slaves could take as much cane juice as they liked. Women who were nursing were fed from 'the master's table' for 2-3 months. Slaves also grew their own provisions: brèdes (greens), while those in forest estates could hunt for the tandrac (hedgehog). Coastal estates had many slaves employed as fishermen and others picking 'bambaras' ('sea slug'). If food supplies to slaves on small estates were deficient, it was felt that this was compensated for by the less strenuous work of cultivating manioc, grain and vegetable gardens and transporting these goods to market. Some slaves had access to provision grounds, while others were permitted to engage in petty trade.

Cash crop v/s staple

#### Reference 38 - 0.01% Coverage

crop v/s staple foods

By the 19th century, the practice of reserving one-third of estate land for planting food provisions for slaves was not widespread and many estates were in a state of abandon. The area of cultivation of manioc or cassava (a staple of the slave diet) had been more than halved. Far more spectacularly, the area under cultivation of the various grain crops almost disappeared. Therefore, when required, sugar estate owners bought food supplies from the Government or small estates to feed their slaves. The smallest estates produced only what was necessary for subsistence. The living conditions of the slaves and owners were not vastly different and many of the owners were themselves destitute and could not feed slaves. On smaller estates, that had enough land, it was common practice to allow slaves as much as they liked.

On sugar estates, slaves were allowed to consume sugar cane and sugar, adding considerable calories to their diet. So, despite their heavy work, they were reported to appear 'well-nourished'. On some estates, slaves freely drank molasses and cane juice with a marked increase in their calorie intake, as carbohydrate-rich sugar provides considerable energy.

Women and children

Males outnumbered

#### Reference 39 - 0.01% Coverage

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would not waste time preparing it, although the slaves would have preferred otherwise. There were also many complaints relating to punishment (flogging with leather hide) for stealing or allegedly stealing food

(mostly for personal consumptions or that of friends, and rarely for sale). Punishments were also meted out to children for stealing or alleged stealing, or even to slaves for complaining. On some estates, the denial of food became a form of punishment. Slaves, placed in stocks or in prison, for example, often went days with nothing other than manioc root and water.

Health services

Writing about the

#### Reference 40 - 0.01% Coverage

##### Births and Deaths Slave Population

In both the 18th and 19th centuries, doctors wrote about the high mortality among slaves. Dazille, a Surgeon for all the King's Hospitals in Mauritius in the 1770s, and Amédée Bonsergent<sup>154</sup>, a doctor in charge of the North of the island, who also wrote a thesis on illnesses among slaves in 19th century, however, disagreed on the causes. While Dazille reported without expressing his personal views on slavery, Bonsergent wrote expressly to counter accusations of the Anti-Slavery Society, that the sugar estates were responsible for the poor health of the slaves. He criticised slaves severely for their habits which, he believed, led to ill-health: drinking, making poorly cooked food, having multiple partners, selling clothes etc.

Dazille did not comment on

#### Reference 41 - 0.01% Coverage

best slaves for itself.<sup>169</sup>

No better direct evidence of the crucial importance of slave labour for the expansion of the colonial economy is available than the report based on the census carried out in 1763. The relationships between land, labour and capital is clearly shown (Table 2). Distribution of slaves, after a slaving voyage, was not carried out efficiently with the result that many large estates with potential for cultivation could not do work to maximum capacity because they received an

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insufficient number of slaves. In other cases, estate owners had small acreages but large numbers of slaves.

Table 1 No. of slaves

#### Reference 43 - 0.01% Coverage

Wilhems Flack

Port Sud Est

Grants of estates

uncultivated

due to absence of

#### Reference 44 - 0.01% Coverage

The 10  
quartiers below and  
which did not have estates  
... that are cultivated  
69681 3221

#### Reference 45 - 0.01% Coverage

no.  
without habitation  
Remaining - with  
slaves and estate  
Acreage and land  
Male slaves

#### Reference 46 - 0.01% Coverage

bien moins au Roi »<sup>187</sup>

Within Mauritius, they carried goods from the interior estates and loaded them onto boats and coasters going to Port Louis. A large numbers of boats were involved in this local petit cabotage. According to the corvée, one-fifth of the slaves on each estate were retained to transport wood to the coast for shipping to Port Louis where port and various works were also in demand. Whether slaves were chained on board is not quite clear, as there are conflicting reports.

7. Security and defence of

#### Reference 47 - 0.01% Coverage

Slaves in the Market Economy

A large number of slaves were also involved in the market economy. Their owners sent them regularly to the market to sell the produce of the estate. They were the 'noirs et negresses de journée'.<sup>202</sup> They were very mobile slaves, and some even got their owner's permission to live in the town although the owners lived in the countryside. This allowed the slaves an important degree of freedom but, as Megan Vaughan reminds us, this should not be confused with 'autonomy'.

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#### Reference 48 - 0.01% Coverage

SLAVES AND SUGAR 1815-1835

The lives of slaves under the sugar regime have been documented in Bitter Sugar, using the testimonies of some 647 slaves making formal complaints to the Protector of Slaves between 1832 and 1835. The complaints emanated mainly from slaves on sugar estates and provide a detailed picture of what life for slaves was like under the period of sugar expansion. Sugar expansion is documented in Chapter One.

Following the ending of the slave trade and the resulting 'shortage' of labour to meet the needs of an expanding economy, the slaves endured even more hardships, and their lives became much more stressful between 1815 and 1835. This also impacted on their families as many were either sold or transferred to other estates and districts, causing a dislocation of families.

Slaves who had hitherto engaged

#### Reference 49 - 0.01% Coverage

3 Extract from Bonsergent's thesis

Food consisted of Bengal rice, manioc, maize, sweet potato, as well as fish, salted meat and dry vegetables. Rations consisted of 1½ lbs rice as is well known. Fresh vegetables were available on the estate as well as a plot. However complaints of slaves abounded as was noted from the complaints made to the Protector of Slaves. Plots were cultivated with bredes, tomatoes, bringelle and petit piment. Those by the sea got sea shells and fish. Some also got what was left from the owner's table.

Extra rations were received by

#### Reference 50 - 0.01% Coverage

for that of a slave.

The aged and infirm were given work as guards on sugar estates to watch out for fire and theft, but Bonsergent saw many who were neither infirm nor sick but who stole from the estate huge bags of goods. He claimed that every Sunday, slaves went to the canteen. He also described the situation in February and March 1835 when slavery was being abolished. All those slaves in prison were authorised to leave: however, they were all infected with skin infections which led to numerous other slaves being infected on those estates. Proprietors were forced to open makeshift hospitals on their estates to isolate the cases. This occurred at the time of the harvest, and many owners were deprived of the labour of their slaves.<sup>235</sup>

Concerning women, he observed that

#### Reference 51 - 0.01% Coverage

slaves in the slave registry.

This was to be expected, however: in a tiny island where there was only a small number of French families, they would be found in all sectors: economic activities property owners, courts, local politics of which Adrien d'Epinay was the perfect example; he was a big sugar estate owner, the editor of newspaper, a banker, a local politician, a lawyer with a brother as Procureur. The same applied to the elite among the Coloured population. Links were everywhere, and British officials from very early on, had learnt to be wary. Some even intermarried with local French families.

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#### Reference 52 - 0.01% Coverage

studies of descendants of slaves.

Sites need to be listed as national heritage sites are also given in the section on recommendations such as Trou Chenille; Slave Cemetery at Le Morne; Le Morne village ; Trois Cavernes ; Bassin des Esclaves ; site



where Pedro Coutoupa's head was publicly exhibited; Maroon caves; illegal slave trading on Bel Ombre sugar estate ; execution site of Ratsitatanina.

The Commission also recommends the

#### Reference 53 - 0.01% Coverage

of literacy of its population.

What were the conditions of indentured labourers on estates? Did all indentured labourers work on sugar estates? Were all indentured labourers Indian or Hindu? Did all indentured labourers obtain land and become educated in baithkas? These are some questions we have answered through fundamental research on demography, landownership and education, as well as detailed histories of families and their lives in Mauritius. Just as it has been stated that one cannot generalize for the slave population, so one cannot do so for the indentured population: the family and life histories presented in Volumes 3 and 4 here show the immense variety of indentured experience, and it is clear that more such family histories, using interdisciplinary methodologies, need to be compiled.

It has been common in

#### Reference 54 - 0.01% Coverage

than they care to admit.

Did the conditions on estates impact negatively on the immigrants and their descendants? The Commission studied both the perceptions of descendants and the documentary evidence. Osteoarchaeological analysis was not possible during this Commission's lifetime, partly because of the difficulty of obtaining skeletons, and due to fact that Hindus cremate bodies. Recent research show that Indian immigrants, moving away from estates, fared worse in some cases as they received no rations.

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#### Reference 55 - 0.01% Coverage

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Landownership has also been a sensitive issue in Mauritius, but Indian immigrant's acquisition of land has only studied in depth by Richard Allen. Métyage was another form of 'landownership' but what proportion of indentured labourers, out of the presumed 453,000 who arrived, actually owned land is still not clear. Today, this group of landowners, commonly referred to as 'small planters' and métayers, are facing a crisis as sugar estates reaffirm their control over their land. As these close down, métayers turn to other occupations. It has not been easy for these vulnerable groups to cope with the rapid social and economic changes, where the services which they provided to the Sugar Industry since the 19th century are no longer required

#### Reference 56 - 0.01% Coverage

in the new economy. Financial

Compensation given by sugar estates, and Government subsidies to retrain do not compensate for the sense of loss felt by many of the descendants and even of the loss of identity which had been defined

through their attachment to land and the cultivation of sugar. The Voluntary Retirement Scheme (VRS), introduced to help sugar industry workers face the restructuring of the Sugar Industry, is also analysed in the Conclusion below and in Volume 4, 6.6.2.10-11.

How far as descendants still

#### Reference 57 - 0.01% Coverage

research purposes.

□ The pass system

In 1839, Hugon reported that immigrants needed to obtain a pass (Billet de passe) to leave the estate. He noted that the apprenticeship system was still going on and on many estates, the pass system had already been abandoned, and hence apprentices were no longer required to have one. It was to him an 'abrogation of personal liberty to which the labourer would never have acceded to' and was not part of his contract.<sup>246</sup>

2. Government Recruitment

Under the

#### Reference 58 - 0.01% Coverage

THE EARLY YEARS, 1825-1839

Although indenture is associated with the abolition of slavery and the year 1834, it is little known that Indian labourers were brought in as early as 1825 into Mauritius. A first batch was brought by no less a person than Adrien d'Epinay, the champion of slave compensation for slave owners, 10 years before slavery was abolished. On his estate at Haute-Rive in Rivière-du-Rempart District, it appears that Indian labourers worked side by side with slaves in the sugarcane fields. According to d'Epinay, he wanted to show his slaves that free men did not consider it a 'dishonour' to perform manual labour in the cane fields. This could be considered as the 'first experiment' with indentured Indian labour. The next recruitment came in 1828, when more labourers were brought in. The following year, the Commercial Agents of Gaillardon & Co., a Mauritian trading company, went to India with the objective of importing cheap Indian labour. They had the firm support of the British Colonial Government of Mauritius and so, on 21st September, the Albion dropped anchor in Port Louis harbour with 500 male labourers, 9 females, and one child on board. A further 600 labourers were brought in that year in smaller groups. By mid-October 1829, there were already over 1,100 Indian labourers in Mauritius.

These early experiments do not

#### Reference 59 - 0.01% Coverage

Australia. Further research is required.

On 10th September 1834, 36 'Hill Coolies' of the Dhangar group (originally from the hills of Bihar in Eastern India who were then living in Calcutta) signed a five-year labour contract with Arbuthnot and Co. Their labour contract was written in Bengali. The salary for the males was Rs. 5 per month, while for female labourers, it was Rs. 4 Rupees per month. The sirdar's salary was Rs. 10 per month and the assistant sirdar around Rs. 8 per month. They all received six months' pay in advance before boarding the Atlas. One rupee was deducted by Hunter Arbuthnot & Company to pay for the return passage to India. They had paid for the immigrants' journey from Calcutta to Port Louis. They were also to be provided with food, clothing, lodging and medical care. The ship also carried a large cargo of rice. On the 3rd November, Monday

morning, Arbuthnot wrote to Governor Nicolay, requesting that: "they be allowed to land 36 Hill Coolies from the ship Atlas, whom they intend to employ on their Estate, under guarantee that they shall not become a charge on the Colony." Permission was granted. These first Indian labourers were, according to Brenda Howell, "the pioneers of a migration which was eventually to transform the character of Mauritian life and industry." Between November 1834 and April 1839, during the first wave of Indian immigration, around 25,468 Indians were introduced, amongst whom were around 23,281 males, 727 females and 175 children. Almost 15,000 came from Calcutta and Bombay and over 9,000 from Madras and modern-day Andhra Pradesh. More than half of these first Indian immigrants belonged to rural tribes, known as the Oraons, the Mundas, Bhumjias, and the Santals. In his report, Hugon categorised the 14,500 from Calcutta, but not from 'Hindustan', as follows:

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#### Reference 60 - 0.01% Coverage

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#### VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 7. LIVING AND WORKING CONDITIONS ON SUGAR ESTATES

The control of indentured labourers by wages cuts, by laws restricting labour mobility as well as physical mobility has been discussed in Chapter 1. By the 1870s, as analysed by Mishra, just as the planters had found maintaining slaves expensive, when amelioration laws were passed, so by the 1870s, planters found that when numerous laws were passed to improve conditions of labourers, their revenues might decrease as a result of more spending on social services for labourers. The planters' strategy was what it had always been: change the terms and conditions of the labour system. Thus, now, they no longer wanted labourers on the estates on a permanent basis, but rather on contract for only the work required. As for ex-slaves, the changing labour conditions impacted on the immigrants' decisions to settle in Mauritius and return to India. In Mauritius, the popular tendency is to focus on those who stayed and label them as 'successful' immigrants. But most Mauritians have chosen to ignore those who left and who never survived their indenture. Nor has there been an examination of the reasons which prompted immigrants to return to Mauritius. When ALL the immigrants' experiences are taken into consideration, the picture is less rosy than is usually presented.

Sugar estates needed, not only to maintain sugar production, but to expand, and so it was crucial to maintain Indians in sugar production as no one else would do it. Manual work was despised and no Gens de couleur would deign to labour the land. Sugar estates, thus, sold or leased to the Indian immigrants so that they could continue producing sugar and supply it to the sugar estate. This intimate relationship between planter and labourer, turned small planter, emerged, and to this day this remains a highly problematic one. The métayers' dependence on the good-will of the mill and estate owners for land leases was always, and is up to today, fraught with difficulties. Despite political will, it does not appear that the métayers and small planters have benefitted as much as the big planters/millers from the millions given by the European Union to palliate the negative effects of abolition of a guaranteed EU market for Mauritian sugar.

Roland Lamusse, the most Senior

#### Reference 61 - 0.01% Coverage

of the 1875 Royal Commission

As part of their enquires, conducted between 1872-1874, the Royal Commissioners interviewed various witnesses and visited 51 sugar estates and consulted the record books of estates to determine the validity of the accusations made by the petitioners and de Plevitz. (Vol 3.I.7 Couacaud).

The pertinent parts that concern us today are the complaints concerning the non-payment of wages and planters and sirdars or job-contractors making illegal deductions from the wages of labourers, or planters failing to provide adequate lodgings and sanitary conditions in estate camps.

These abuses continued after the end of the indentured labour period and are clearly visible in the oral testimonies of elderly sugar estate workers themselves.

Wages

According to the 1875

#### Reference 62 - 0.01% Coverage

days, and fined accordingly.”<sup>276</sup>

What confirmed how widespread this illegal practice was for the Royal Commissioners was when they consulted the pay books of sugar estates. Upon inspecting these books, such as those of a member of the Chamber of Agriculture, whose conduct the Commissioners presumed should have been more exemplary than others, they found clear evidence that the proprietor of the estate had been fudging his records.<sup>277</sup> Apparently it was common practice for planters to mark labourers as absent for unfinished tasks in the columns of their books, but when asked by the Royal Commissioners for permission to inspect their books and pay-sheets, it was evident that pencil notations had been deliberately rubbed out to mislead the Commissioners.

However, we should not be deluded into thinking that the illegal use of the “double-cut” to make deductions from wages of labourers was only restricted to the planters. Although mention is often made in the literature on indentured labour in Mauritius, of the usurious rates of interest charged on loans to labourers by sirdars and job-contractors, rarely do we find any reference to the fact that sirdars and job-contractors also took advantage of labourers and “robbed” them of their wages.<sup>278</sup> The 1875 Royal Commission seems to be less clear about the evidence against sirdars, who, like job-contractors, were resented by planters because they could not control them and also because they were highly dependent upon them. With respect to job-contractors, however, which the Royal Commissioners point out in their report is “closely connected with the Sirdar system-the Sirdar being, in fact, a job-contractor under another name”, the evidence is much clearer. The Commissioners cite a report by a Stipendiary Magistrate, named Mr. Daly, who, based on his halfyearly inspection of estates in the District of Savanne claimed that

“[J]ob contractors are, of

#### Reference 63 - 0.01% Coverage

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labourers who had to walk five miles to work and thus spent half their time walking rather than working, or of being able to gain one month of work at no expense, if a labourer was absent 14 days in a month.<sup>280</sup> One of the reasons why planters resented job-contractors was because they were able to gain these benefits without having to provide the same kind of facilities that planters were required to by law. Yet, there is evidence that some job-contractors owned or ran their own estate camps and of even providing rudimentary medical care in some cases.

Lodgings

According to the Royal

#### Reference 64 - 0.01% Coverage

former lodgings of ex-slaves.

The Royal Commissioners state that most dwellings in estate camps were made of thatch and straw, but they also visited several estates that had stone range barracks, among them "Mont Choisy", "Bois Rouge", "Trianon", "Antoinette", "Esperance", "Bel Air", "Benares", and "Labourdonnais", which struck the Commissioners as being superior to the more common thatch and straw huts.<sup>281</sup> However, some of the labourers preferred thatch and straw huts to stone range barracks, the reason presumably being, according to one medical expert, that thatch and straw huts were healthier because "you cannot get contagion out of stone walls". It apparently never struck this medical expert or the Royal Commissioners that labourers preferred thatch and straw huts because they would not have been nearly as hot as the stone range barracks which were made no doubt of local volcanic stone and were less well-ventilated than thatch and straw huts. Some labourers were also forced

#### Reference 65 - 0.01% Coverage

the Law.<sup>282</sup>

Sanitary conditions

The 1875 Royal Commission was much less equivocal perhaps because of the recent malaria epidemic that claimed thousands of lives several years before. The Commissioners were emphatic about the need to maintain sanitary conditions in estate camps and to ensure that planters complied with regulations to reduce the risk from pestilence. They complained about the numerous untidy camps that they saw on their estate visits, of pigs and other livestock running amok amongst piles of refuse that had not been properly disposed of, and of inadequate latrine provision:

"On 206 estates from which we have received returns, there are only 13 on which there are any arrangements whatever for conservancy in the camps. At "Providence," as mentioned before, we found one camp swarming with pigs and filth, but the other as clean and neat as could be wished. So also at "Beauchamp," where the people were certainly well-treated, the camp was in bad repair, dirty, untidy, and swarming with pigs. The very excellent camp at "Labourdonnais" was dirty, notwithstanding that there was a most suitable "parc a cochons" for the pigs; and while the planters object to Government appointing the medical men, because it will sever the connection between the labourers and their employers and put an end to the interest the planters take in their labourers, they will not hear of being made answerable for state of the camps, in which they lodge their labourers and foster the causes of sickness, because if they should trouble themselves upon those subjects, the labourers will leave them, and go to other estates where they are allowed to do more as they please."<sup>283</sup>

The general view at the time, both amongst planters and British Colonial Officials, was that Indian immigrants cared little about hygiene and would have refused to re-engage if planters interfered and forced them to maintain cleaner dwellings. The Royal Commissioners seem to have seen through this ruse, however, and suggested it was more likely that planters used this reasoning as a convenient excuse to avoid having to pay the cost of improving sanitary conditions in estate camps.

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## THE TRUTH AND JUSTICE COMMISSION

As the Commissioners point out in their report, they had evidence before them that Indian immigrants were willing to use latrines, when planters made these available in estate camps (Frere and Williamson 1875:351). And upon asking a Stipendiary Magistrate who conducted half-yearly inspections of estates if he thought that sanitary conditions were worse in camps or the villages of Indian immigrants, they were told that conditions seemed more preferable in villages than estate camps (Frere and Williamson 1875:350).

The Royal Commissioners did not reject out of hand the planters' argument that Indian immigrants were less conscientious about hygiene than Europeans seemed to be, pointing in particular, to their propensity to use cane fields, when latrines were not available. Nonetheless, they were adamant that planters should be held to account and "made answerable, not only for the health of their labourers, but that their habits do not tend to injure, not only their own health, but that of others." The Commissioners made a number of recommendations regarding how planters might improve sanitary conditions in estate camps, the introduction of a system of latrines being one of the most important conditions which they identified.<sup>284</sup> They also recommended that inspectors be empowered to enforce compliance with sanitary regulations and to penalise offending parties without the need to resort to police intervention.<sup>285</sup> The Commissioners were no doubt unaware of how prescient their recommendations would later turn out to be.

In the early 1920s, J.F. Kendrick, a medical expert working for the International Health Board, a philanthropic organisation funded by the Rockefeller Foundation, came to Mauritius and wrote a report in which he urged the Colonial Government to tackle the hookworm epidemic gripping the colony. Until Kendrick's Report, which was released in 1920, it was not generally known how many people suffered from hookworm disease; but according to Kendrick, as many as two-thirds of the population were suffering from this parasitic form of disease.<sup>286</sup> Kendrick's report left no doubt that failing to address the island's sanitation problem, in particular the shortage of latrines in rural areas, would have disastrous long-term consequences for the health of the wider population. Yet in spite of these recommendations, sugar estates continually failed to tend to this problem well into the twentieth century.

Women under indenture

If slavery

## Reference 67 - 0.01% Coverage

after 1842, it was the

"only [British] colony which failed to engage Indian women as indentured labourers. The numbers of women formally employed on estates was consequently never very high, even in the principal sugar-growing districts ... In 1846 9% of the total Indian female population was registered as part of the plantation labour force. At the time of the malaria epidemic in 1867, less than 100 women were reported as working on the sugar estates. By 1871, when the next census was taken, this figure had risen, even so, only 7% of women [or 1,808 Indian females out of a total estate population of 24,425] were officially employed as plantation workers."<sup>287</sup>

Marriage patterns

One consequence of

## Reference 68 - 0.01% Coverage

their ancestors arrived as children.

Whatever the individual story of migration, once on the estate, children were often put to work by estate and/or by their parents. Orphans ended up running away and roaming the streets in Port Louis or were

taken to the Orphan Asylum. The Poor Law reports are full of stories of children found roaming around the island, of having been beaten or abused, or not having been paid their wages.

A 'child' was officially, according

#### Reference 69 - 0.01% Coverage

they were already there.<sup>296</sup>

##### Estate camps

The first Indians to arrive in the 1830s and 1840s, shared the same living and working spaces as the ex-slave population still on the estates. Ritual purity and occupational specialization were left behind during the sea voyage and the installation in camps. These spaces have been cited as presenting obstacles to the reproduction of the Indian caste system in Mauritius by Hazareesingh and Benoist, among others, who stated that Indian indentured labourers waited until they left the estates to settle in villages (in the 1880) to reproduce the Indian social structure.

In the camps, the absence of spatial segregation and of occupational specialization is presented as incompatible with castes' rules and regulations. But detailed reports from sugar estates show that, when requested, estate owners acceded to high-caste immigrants', and Muslims', desire to be housed separately from other (lower caste) immigrants breeding pigs. Thus, the caste system did survive in spatial arrangements on estates and as important criteria in private life, especially as far as marriages were concerned. As for settling regulations when it comes to acquiring land, Allen notes that "it was not uncommon for persons of the same or comparable caste status to purchase land near one another in a specific locality" (167), adding that other criteria were to be considered, such as religious affiliations and jahaji bhai relationships.

Regional origins were yet another

#### Reference 70 - 0.01% Coverage

maintain caste solidarity and logic.

Castes with the largest numbers of individuals, such as the Ahir, the Chamar or the Dusadh, were probably more prone to endogamy and, consequently, to a reinforcement of their caste identity, whereas castes with fewer members, incapable of maintaining endogamy, were probably led to renegotiate their status in the local hierarchy through new marriages and life-style strategies. The universe of plantation estates was not at all unknown to Bhojpuri labourers, as these existed in India as well. The estate camps would not necessarily represent a major rupture with the compulsory conditions of the caste system.

To conclude, indentured immigrants from

#### Reference 71 - 0.01% Coverage

16).

##### Food production and supplies

On some estates, Indians cultivated vegetables and reared animals such as cows, goats or pigs. Estate owners allowed the rearing of animals inside the camp, in order to encourage labourers to stay on their estates. In the same way, some planters provided land to labourers for them to cultivate gardens. Rice and dhol and other Indian food items were imported. Rice was imported from Madagascar and Java, and increasingly from Bengal, when Indian immigration intensified. The quantity of rice imported and supplied

to the workers depended sometimes on food prices abroad. The 1860s were particularly difficult when the price of rice shot up in India, because of poor harvests caused by floods. In the second half of the century, Indians could buy certain food items from the shops on the estates or from hawkers. There were complaints about the high prices of foods such as poultry, pigs, goat, fruits and vegetables.

Many Indians had other food resources which they produced themselves, such as milk, poultry, meat and vegetables. The sale of animals brought a substantial increase in their revenue. This trend, which started in the mid 1850s, accelerated in the decades that followed, as Indians moved to set up independent enterprise, as soon as they terminated their contracts with the estates. However, not all estates on the island provided facilities to Indians to keep animals or cultivate gardens. Indians could improve their consumption of vegetables and milk following the morcellement, when they moved to the Indian villages and produced vegetables and reared cows, apart from growing sugar cane (Boodhoo 2010).

Indian diet

Most of the

#### Reference 72 - 0.01% Coverage

cane (Boodhoo 2010).

Indian diet

Most of the Indians came from rice-and-flour eating areas in India. On the estates, they were provided with food items that were familiar to them: rice, flour and dhol. They refused to consume manioc and maize or food unknown to them. Rice remained the main ingredient in any meal, but it sometimes happened that its importation was affected by poor production in India, the main supplier. Immigrants, drawn from different parts of the subcontinent, had many variations in cooking and eating customs (often based on the caste requirements). Due to their various taboos, their food at first was simple and monotonous. Some variations became possible only on some estates, where they were allowed to do some gardening, and rear animals and poultry. When shops were opened on the estates, more Indian food items, such as spices, became available.

Food rations of indentured labourers

#### Reference 73 - 0.01% Coverage

Food rations of indentured labourers

One of the regulations of Ordinance No.6 of 1845 defined the weekly provision of food rations. Before 1842, 'usual rations' were mentioned without giving any details. Indians complained of food items that were unfamiliar to them. Employers had, therefore, to provide Indian food items such as, rice, ghee (clarified butter), dhol, salted fish, tamarind, salt and sometimes tobacco. Attempts to provide local food items like manioc and maize to Indians failed. Planters also preferred to distribute imported rice, instead of cultivating local foodstuffs on their estates. The Indians, who formed the bulk of the population (in the second half of the 19th

vegetarians, whereas ex-slaves consumed

#### Reference 74 - 0.01% Coverage

salted fish, garnished with chutney.



Food rations were provided to indentured labourers in lieu of part of their wages, i.e. they received five rupees or ten shillings a month as wages and food and a clothing allowance, in addition to free housing on the estates and free medical attendance. The daily rations were as follows: two pounds of rice for one man, one and a half pounds for one woman, half a pound of dhol, two ounces each of salt, mustard, oil and tamarind. This was a ration high in carbohydrate, moderate in protein, low in fat, with low levels of B-vitamins. The ration (if provided in full and regularly) was slightly more than adequate for an adult's needs; however, it often had to be shared with other members of the family. Labourers who freely drank cane juice experienced a marked increase in calories as carbohydrate-rich sugar provided considerable energy (Boodhoo 2010, Mishra 2009).

century), were mostly semiTruth and

#### Reference 75 - 0.01% Coverage

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Estate owners often provided either salted fish or dhol, but not both, saying that Indians preferred dhol to fish. However, this ration did not cover the needs of labourers with families, women and children too young to work. Those who became sick, while at work, received the whole ration, while those who did not attend work at all did not receive any ration. Rations were distributed on Saturdays during the 'entrecoupe' (non-harvest) season and on Sundays during the harvest season. Rations and wages were given to labourers who fell sick or had an accident at work. Those who were sick and absent from work did not receive any wages or rations. But working conditions varied widely from estate to estate.

Food rations remained a major

#### Reference 76 - 0.01% Coverage

when they arrived from India.

It should be noted that, in the 1870s/1880s, although it was compulsory for men (Indian labourers) to attend the estate hospital when ill, women and children often did not, either due to ignorance or cultural norms or poor hospital conditions (including food not being to their liking). Children were often not vaccinated. Women would not deliver in hospitals and gave birth in their huts with the assistance of traditional midwives (dais). They attended hospitals only in case of complications. This resulted in high child and maternal mortality on the estates. But things gradually improved, when medical care and living conditions in estate hospitals improved.

In the 1920s, about a

#### Reference 77 - 0.01% Coverage

in proportion to each bed.

□ A medical attendant visiting the hospital once or twice a week according to the size of the estate.

□ Store such medicines as may

#### Reference 78 - 0.01% Coverage

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On arrival in Réunion, they were placed in the Quarantine Station at La Possession. They were then sent to different estates where they started working in sugar plantations. Later, other works were given to them. Their engagement was to last 3 years and in 1933, 800 workers were recruited as indentured. Other nationalities were among this group. Their working week lasted from Monday to Sunday morning when there was compulsory Mass. There were no fixed hours of work.

Some were housed together with

#### Reference 79 - 0.01% Coverage

groups for the 20th century.

For descendants of indenture, for the Commission, their living conditions needed to be known as reports have been produced on their working conditions (Vol 3, Part 1). The oral testimonies of elderly sugar estate workers collected by the Aapravasi Ghat Trust Fund were extremely useful, and the Commission is indebted to this institution for having provided them to the Commission.

One is tempted to ask why another Commission was necessary when so many other Commissions have been set up in Mauritius, precisely with the aim of investigating conditions of sugar estate workers. It has become clear that many of the recommendations were never implemented whether by the sugar estates or by the Governments who had commissioned the reports.

Regrettably, the problems remained and

#### Reference 80 - 0.01% Coverage

up to the present day.

The first Commission was in 1875, when a Royal Commission was convened by the Colonial Government after receiving several thousand petitions from Indian immigrants collected by Adolphe de Plevitz. The terms of the contract which they had signed were not being followed by their employers: basic wage, free housing, medical assistance and rations. Instead, withholding of wages in order to try and re-indenture them, less than adequate medical attention, and reduction of rations in addition to being forced to carry a ticket in order to allow them to travel beyond the radius of the sugar estate where they were housed and worked. Although the 1875 Royal Commission confirmed the existence of abuses and made a number of recommendations to rectify this situation, many sugar estates did not meet their legal responsibilities, even after the end of the indentured labour period.

Two subsequent Commissions in the

#### Reference 81 - 0.01% Coverage

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Commission declared, for example, that housing conditions in sugar estate camps were satisfactory and that planters were doing all they could to comply with the necessary Labour Ordinances and the Department's regulations. The 1943 Moody Commission Report, written only a few years later, affirmed that sugar estate housing conditions in the North of the island left much to be desired, and that hospitals and medical dispensaries on sugar estates were often poorly equipped.

Did employers in the Mauritian Sugar Industry meet their legal responsibilities during indenture and since the end of indenture? It can be categorically stated that the Mauritian Sugar Industry does appear to be culpable for the reckless, and at times callous, manner in which it has treated its workforce. It can be accused

of flouting its legal responsibilities under existing labour laws. However, this does not apply to all sugar estates in Mauritius. Some sugar estates went beyond what was required by the Law to provide decent conditions of living to its work force.

Small planters

The contribution of

#### Reference 82 - 0.01% Coverage

cluster.

Métayers - A Forgotten Community

Métayage, also known as sharecropping, emerged in 19th-century Mauritius after the abolition of slavery and again after indenture. Métayers were ex-slaves and ex-indentured labourers who were provided with a plot of land on the sugar estate where they resided, with the clear agreement that they grew sugar cane for delivery to the estate factory. They did not pay any type of rent money for the estate land where they grew the sugar cane, "but they received less than the ruling market rate for the cane supplied, which was equivalent to payment of a concealed ground rent in kind."<sup>307</sup> Estate owners did not give land to anybody; it was usually as elect group whom they knew very well and had worked for them for several years.<sup>308</sup> By the mid-20th century, the majority of the métayers were monthly workers who had worked for many years on the same sugar estate and had resided for years in the estate camp and in the nearby villages. <sup>309</sup> From the 1920s onwards, however, the importance of the métayers declined. Today, they form a very small class of small sugarcane growers with their numbers diminishing each year.<sup>310</sup>

At that time, most land was marginal land but today, with irrigation and expansion of Tourism, this marginal land has become highly profitable. Hence, the desire of the sugar estates to reclaim this land and sell it to a foreign clientele or undertake tourist-related activities. Despite the enactments of various laws, judgements and even a Privy Council ruling, authorities have been lukewarm in their attempts to protect historic rights of the métayers when sugar estates wanted to reclaim the land leased.

From Indenture to VRS

As

#### Reference 83 - 0.01% Coverage

leased.

From Indenture to VRS

As far as living conditions are concerned, the irony, as pointed out by Couacaud, is that those sugar estates who neglected to abide by their legal responsibilities and to improve sanitary conditions in

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#### Reference 84 - 0.01% Coverage

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estate camps, not only endangered the health of their workforce, but also handicapped their own economic prosperity. However, as noted by the same author, one of the most outstanding achievements of Mauritians is "their ability to persevere and lift themselves up by their own bootstraps."

As a result of further pushes to mechanize the Industry and retrench full-time workers, the Sugar Industry has been fully helped in this by Authorities who proposed, and pushed workers to accept, Voluntary

Retirement Schemes (VRS). The result today is that many have been re-employed with job-contractors under less favourable terms than when they were permanent employees. Not only are they forced to sacrifice many of the benefits that they used to enjoy as full-time workers, but they are also being paid less than they were before and their bargaining power has been completely diminished. Thus, one is tempted to question just how beneficial VRS redundancy packages actually are for the average sugar estate worker in Mauritius. One is also tempted to compare the situation of labourers today with their indentured forbears.

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#### Reference 85 - 0.01% Coverage

of his/her retirement pension.

One of the immediate consequences of the labour retrenchment policy is that most of the retired labourers have gone back to work for the sugar estates as casual labourers, doing the same job they did as permanent employees. They do not have the fringe benefits that they used to as permanent workers, and have a lower rate of pay. Descendants of indentured labourers fought in the 1930s and 1940s for permanent employment and benefits in the sugar industry. Today the children of these descendants find themselves in a similar situation as their forbears in the 19th century.

Section 20 of the

#### Reference 86 - 0.01% Coverage

to cater for their children.

From a sample survey conducted early in 2011 among 283 labourers who participated in the VRS II scheme, 70.3% of the labourers are working, with 78.3% among the women and 68.2% among the men. It is to be noted that the number of men and women labourers in the sample is respectively 183 and 60 given a ratio of 3:1 as per the population of labourers having opted for VRS II. Further, among those working and the 150 men and 45 women who responded to the required question, 74% of the men and 84.4% of the women are on contract with the sugar estates or with the job contractors of sugar estates, thus going back to a system that existed under indenture.

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#### Reference 87 - 0.01% Coverage

benefits for the Sugar Industry

As far as the Sugar Estates are concerned, it appears that VRS II is not financially attractive in the short term. But in the medium and long run, the labour costs will be reduced considerably and, at the same time, the estates will be able to mechanise field operations given the considerably reduced labour force. Over time, it is expected that the number of seasonal (i.e., casual) employees will be reduced. Moreover, the cost of the VRS forms part of the accompanying EU measures and is financed by both the EU and the sugar cane producers/private sector.

1.2 The Cheap Labour

#### Reference 88 - 0.01% Coverage

over generations of their families.

Slave-owners, with substantial numbers of slaves, received hefty compensation, as agricultural labourers and skilled slaves were valued highly. As most of these owned slaves worked in the sugar estates, these fetched the highest compensation:

Overseers, Commandeurs, skilled slaves fetched £142 and £137 each while an agricultural labourer, £93 each (listed as praedial slaves). Slaves that were not attached to any particular plantation, fetched roughly the same amount. Domestics, who were also crucial to the life of the estate, fetched £119 per head domestics while junior domestics fetched £63. Owners even received compensation for the old and sick slaves, as well as children, £29 was paid for a child, totaling some £88, 132, while the old and sick, numbering some 2,302, fetched £25,752. The total number of slaves for which compensation was paid amounted to 66, 517, including th dependencies.(MNA:BIB 1881)

Not brought into the equation

#### Reference 89 - 0.01% Coverage

to compensation for the slaveowners.

For some, slave compensation and pouring this money into a bank, effectively financed the Reunionese transition from slavery to capitalism. There appears to be no difference between the Mauritian case and the Reunionese case. Owners, particularly the big owners, received a compensation which they reinvested in their sugar estates and deposited in the banks and assured their transition to a 'free' society.

By contrast, Mauritian slaves obtained

#### Reference 90 - 0.01% Coverage

of the Commission.

The Apprentices

The apprenticeship system has been researched in some depth in Mauritian Historiography, as well as the opposition to it coming from abolitionists who saw it as not being much different from slavery. The complicity of the local Government in creating a system that was no different from slavery and ensured that labour stayed on estates until contract labour system was established, while owners enjoyed the compensation money and invested in their sugar estates. Apprentices were quick to see they had been duped of their freedom. They expressed this disapproval of this 'new system of slavery' in several forms. Some marooned and were hunted in exactly the same manner as they had been under slavery. When caught they were flogged in the same manner. Others chose to withdraw from plantation labour (but not from agriculture), knowing full well that this is what would strike at the heart of plantation's operation. Others still bought their freedom from apprenticeship, just as, when slaves, they had bought their manumission. They were still advertised as slaves for hire, even though slavery had been abolished. While the stereotype of women is that they were downtrodden people, the number of applications for freedom from apprenticeship are very revealing. These women's history must not be forgotten and deserves further study. Moreover, those who had wanted

#### Reference 91 - 0.01% Coverage

is a highly symbolic action.

The attitudes of the planters also deserve mention: they did not want to reduce their hold over their former slaves and influenced Government to keep slaves in or near estates. They had attempted to bring slaves under their control ideologically and they have never forgiven ex-slaves and descendants for abandoning them: the master-slave relationship still persists according to some today, when people continue to be deferent to the 'bourgeois'.

A discrepancy exists in the

#### Reference 92 - 0.01% Coverage

had been born in India.

Where were the ex-apprentices who agreed to be listed as such in 1846? What were their occupations? While there have been several studies on this, it is worth refreshing our memories as to occupations engaged in by ex-apprentices. For those who had been skilled under slavery, these same occupations were practised. The most common were among the boot-and shoe-makers, blacksmiths, sack-and mat-making, masons, carpenters and brick-layers, tombstone cutters. In transport, a large number were employed as carters, grooms and boatmen. A large number were not skilled and uneducated and untrained and were employed, consequently, as non-agricultural labourers and workers. Few worked on sugar estates, but did work in other sectors of agriculture.

There was some significant regional

#### Reference 93 - 0.01% Coverage

Industry was not yet dominant.

Carpenters and wood working occupations were prevalent in Port Louis and in Savane Districts reflecting the activities on the 'forest' estates and the need for skilled work.

For Port Louis, there is

#### Reference 94 - 0.01% Coverage

highest proportion of fishermen/exapprentices.

The statistics are silent on other sectors: there is no mention of port workers, however, a fact which has not been explained as yet. Although not included in official statistics, because there were no licences, nor strictly legal perhaps, our own research in documents shows other occupations not being listed: a large number engaged in occupations such as charcoal-making, selling wood bundles, midwifery, as traditional healers, and hunting. Large numbers were employed informally by estate owners and worked as guards, domestics and clearing out land. As fishing was

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#### Reference 95 - 0.01% Coverage

deserves the attention of scholars.

As has been stated before, it is important to grasp the mindset of the slave population before the abolition of slavery in order to understand their actions afterwards, given the paucity of information as to their whereabouts, after slavery was abolished. Only, then, can we understand the ex-slave population's

movements after slavery: what did they think of 'freedom'? Was it individual liberty? Was it their intention to regroup somewhere? Was it education, and what about employment? Was it their wish to be near the former owners of the sugar plantations? Did women want to continue to labour on sugar estates or in the kitchen of the owners? This is all the more necessary as there have been numerous sweeping statements made in public discourse, concerning their movements which continue to impact on public perceptions and discourse. Some of these sweeping statements and perceptions are:

□ Ex-Slaves did not want

#### Reference 96 - 0.01% Coverage

abolition; □ Ex-slaves were lazy.

More importantly, there is no differentiation made between the slaves. Just as under slavery, a hierarchy existed, there were also as many differences among ex-slaves: their ethnic origins and whether they were Mauritian-born or foreign-born; whether they lived in rural or urban areas; whether they were skilled or manual workers; whether they were males or females. Some were Government slaves, others had been private slaves, some had families who had lived for generations on one estate, while other slaves (termed unattached) had been moved from estate to estate all their lives; some had been marooned, others had been manumitted many years before. Their age influenced their movements, as has been seen in the case of VRS today. In other words, each had their own perceptions of what they wanted out of freedom. Thus, a female slave who had been forced to leave her children and forced to work on a plantation during the era of sugar expansion, had no desire to return to work there, but this does not mean that she would not have appreciated a small plot of land to build a house and farm some vegetables after abolition. Similarly, a skilled slave, earning wages, would not necessarily wish to leave the sugar mill: under slavery, he would have been one of the few slaves to have earned a wage, be allowed to marry whoever he wished and have a surname.

The Magistrates, visiting the districts

#### Reference 97 - 0.01% Coverage

in the 1850s and 1860s.

Elsewhere in Mauritius, the ex-slave population, which did not own land, was shifted from camp to camp, depending on the whim of employers who tended to be those owning large estates and needed land for clearing the woods for sugar cultivation. Informal and verbal arrangements were made with owners concerning the length of stay in any particular area, and many considered the camp as 'home' The detailed study of censuses, combined with Family History research, and Oral History work conducted in the past few years by various institutions and individuals are sufficient evidence of the numerous camps that existed in the 19th century and which have survived up to the 21st century; this indicates constant mobility and shifting of 'home'.

Displacement of persons of African

#### Reference 98 - 0.01% Coverage

Mauritius.

Land ownership (1839-1846)

The desire for land by ex-slaves has been amply and very ably demonstrated in the work of Richard Allen, and it is not necessary to repeat the details here: in the period of the 'petit morcellement', large numbers of ex-slaves purchased plots. How and why they had lost much of this by the 20th century is being investigated, but already, it is possible to say that absence of capital to manage the land, greed of neighbouring estates and encroachment during the period of sugar expansion are some of the reasons. The illiteracy of persons across Mauritius in the 19th century, extending well

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by exapprentices to wage bargaining.

What has not been examined is the situation on each estate in order to ascertain the labour needs of each. At the time of emancipation, the effective labour force amounted to only some 25,000, out of the population of 61,022 slaves. Some estates had been desperately short of labour even before abolition, as they had either expanded or had an ageing population or with numerous families and not enough able-bodied men. Only on some estates, did ex-slaves wish to work, as has been pointed out.

Thus, the potential for conflictual relations would only arise when there was open competition for employment on such estates. How many estates were in this situation, at this stage, has not been established by any study. It was employers fighting among themselves, rather than ex-slaves and indentured fighting each other for employment on sugar estates.

Furthermore, it must be noted that a small number of ex-apprentices were employed on sugar estates, not as labourers, but in higher positions. Among clerks, for example, in Pamplemousses, out of a total estate population of 196 clerks in South Pamplemousses, 38 were ex-apprentices; in Flacq, out of a population of 127 clerks, 25 were ex-apprentices; in Grand Port, out of 103 clerks, 24 were ex-apprentices; in Savane out of 100 clerks, 41 were ex-apprentices, while in Plaines Wilhems, out of 161 clerks, 40 were ex-apprentices.

By the beginning of the

#### Reference 100 - 0.01% Coverage

of the success story etc.

However, it ignores the other reality: those who never obtained land, those who were never highly educated, those who never became urbanized, and were still working on sugar estates until a decade ago. The Commission has investigated both of these sets of experiences through detailed family histories, life histories and in-depth interviews. Hundreds of descendants have been consulted and the results published in Volumes 3 and 4.

While the trend can be

#### Reference 101 - 0.01% Coverage

than at any other time.

Living Conditions of Descendants on Sugar Estates after Indenture<sup>337</sup>

For the average sugar estate worker living in an estate camp in the earlier part of the twentieth century, the day began like most other days, rising at 5-6 a.m. to go to work, after being awakened by the "Lappel", a man charged with waking up all the workers, or even as early as 1-2 a.m., if it was the harvest season. How early they rose depended not only on how far the estate camp was from the field where they had to work,



but also on whether the estate provided a lorry to transport them, or if they had to walk there or were lucky enough to hitch a ride on a passing bullock-drawn cart. Most workers took breakfast before they set off for work, usually consisting of tea and bread, and sometimes a little left over curry, and if they had sufficient time, they would offer a prayer for the hard day of work ahead. Women normally woke up somewhat earlier than men did, as they also had to prepare breakfast for their husbands and the other members of the family. After brushing their teeth either with charcoal, or by using either their fingers or a piece of guava stick for this purpose, they would set off for work, came back after midday and ate something prior to commencing their daily chores. Women and children were the ones who were primarily responsible for carrying out these household chores, which normally consisted of fetching water and washing clothes, and collecting wood for cooking and grass for any cows or livestock that they kept.

These chores took up most of their afternoons, as the estate camps often lacked potable water and bathing facilities, thus forcing them to walk several miles in order to collect it from a river or to bathe in.

The camps themselves, or "langar", is a Creole term for barracks, were usually made of ravenal and had thatch roofs and earthen floors.<sup>338</sup> They might also be made of a combination of materials, consisting, for example, of wood, stone-walls and corrugated iron. Over the course of the twentieth century though, concrete housing and semi-detached dwellings became more common in estate

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camps. Camp inhabitants describe "polishing" earthen floors with cow dung every week or once a fortnight, and red clay was particularly sought after with women prepared to walk several miles in order to collect it. It is conceivable that some of the camp inhabitants would have built these structures themselves, and there is also evidence that they kept livestock in close proximity to their dwellings, much like their forefathers had done during the days of indenture. Of course, back in those days, there was no electricity to begin with, so most camp inhabitants relied on candles and kerosene lamps for lighting, and if the camp inhabitants were fortunate enough, a regular supply of water could be accessed through a public tap or a well in the camp. Cooking facilities varied, with some camp inhabitants opting to cook on their verandahs, or even inside their own dwellings over a pile of stones referred to as a "foyer" by the informants, sometimes resulting in fires that destroyed dwellings. While others preferred to cook in a makeshift kitchen located outside their dwellings and used either wood or sugarcane for these purposes. The informants also state that toilets and bathing facilities were usually not attached to their dwellings and were at some distance from where they lived and were used by all of the camp's inhabitants. Some estates had schools, medical dispensaries, crèches, and transported workers to the nearest district hospital if required, or failing, that camp inhabitants were forced to walk to school and the nearest hospital by foot, or gave birth with the help of a midwife in their own dwellings.<sup>339</sup>

Complaints are many about crowded living conditions and the filthy state of some estate camps.<sup>340</sup> It appears that most estate camps offered very poor toilet provisions as many informants state that they were forced to go in the cane fields while others indicated that they had no choice but to build their own toilets when estates failed to provide them.<sup>341</sup> Informants also pointed out that roads in estate camps were sometimes unashpalted and muddy and that camp inhabitants went into disputes over having to wait in line in order to collect water from public taps.<sup>342</sup> The cramped living conditions that characterised estate camp life also fostered disputes between neighbours, and the best that they could do to create a sense of privacy in their barracks was to erect makeshift barriers with either a sheet of corrugated iron or a partition made out of jute bags or ravenal, as the case may have been. Furnishings were usually quite sparse and consisted of little more than wooden beds to sleep on and mattresses made of grass, or people slept on

jute bags and used them to cover their bodies to keep warm at night. The only other possessions that estate camp inhabitants seemed to own was the utensils that they used for cooking and, according to one official report (ARLD 1945:3), most estate camp inhabitants kept very few possessions because of the frequency of fires. Others tried to make do with the little that they had and decorated their homes with pages from newspapers that they plastered on their walls.<sup>343</sup> Some estate camps also had footballs fields and shops run by "Chinese" shopkeepers who offered credit to their clientele; as well as baitkas, temples, chapels and madrasses to serve the religious needs of their workers. According to one informant,<sup>344</sup> estate camp life was very pleasant, as all the facilities were free, but she also stated that others looked down upon people who lived in estate camps. She pointed out she could not find brides for her sons as they were living in a camp and did not own their own homes.

According to Benedict, the standard of living in estate camps during the 1950s was generally lower than that of most villages and appealed most strongly to the poor. This is because living in estate camps offered the advantages of steady employment, free housing, and possible concessions from estates for planting vegetables and gathering fodder for livestock. He points out that most camps consisted of "rows of small barrack-like cubicles of wattle and daub" and that some camps had "recently constructed semi-detached dwellings of cement". Benedict draws attention, in particular, to the poor state of housing and lack of amenities, a finding that was still being echoed by ad hoc committees that were commissioned to enquire into estate camp housing conditions 30 years later.<sup>345</sup>

Except on a very few estates, the housing offered was very poor. The buildings were of poor quality insufficiently ventilated and illuminated. The cubicles were small. Latrines were often very unsatisfactory, built in a row some distance away. Paths were often muddy and drainage was usually poor. Some camps had small shops, but for most of his needs the camp dweller must walk to the nearest village which might be some distance away. Unlike villages, camps were rarely located on bus routes. Cinema and other forms of recreation, as well as schools, were not to be found in camps, but in villages and towns (Benedict 1961:54).

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In addition to a number of other drawbacks, such as the lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet, despite noting that these living conditions appealed primarily to the poor who, according to Benedict, were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movements between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>346</sup> who stated it was only poor people, who did not own property, who went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>347</sup>

Although the feeling is that life was very difficult in the past, or wracked by "boukou mizer", as many informants described it in creole, that does not mean estate camp life was viewed only negatively. Actually, many of the informants looked back on estate camp life with a certain degree of fondness and described inter-ethnic relations as being harmonious, and everyone was living like a "family". Holidays were often opportunities for families to get together, and depending on the occasion, a goat would be sacrificed and

consumed, or a special meal of canned fish curried with tomatoes was cooked to celebrate the occasion, if finances permitted. During the harvest season, rituals were also performed and offerings made to the goddess Kalimai to ensure a good harvest, and more often than not, it was conducted with the active support and participation of estate managers and was usually led by sirdars. Masses and prayers were also organised for Christian and Muslim workers. The informants also described estate managers distributing presents to children at Christmas time and receiving bonuses during harvest season. And parents told their children stories at night in the absence of modern-day forms of entertainment, such as radio and television. Nonetheless, these reminiscences were tempered by the view that "Christians", or in other words, skilled Creole artisans and their families,<sup>348</sup> lived in superior housing and sometimes looked down upon the inhabitants of estate camps. The paucity of reflections on the family life of white managerial staff points to a certain amount of social and possibly racial distance between employers and estate camp inhabitants.

Living Conditions of Descendants in

#### Reference 104 - 0.01% Coverage

##### Descendants in Villages after Indenture

Living conditions in villages were superior to those in estate camps because the quality of housing was generally better. Housing varied, but according to Benedict (1961:55), there were three basic types: the wattle and daub hut with a thatched roof and clay floor; the galvanized sheet iron house built upon a wooden frame and usually with a wooden or cement floor, and the more ambitious wooden, stone or cement house, built on a concrete foundation, with wooden or concrete floors.

The more 'lavish' type of housing could be found in some villages as "lakaz tol vitrinn"<sup>349</sup> and the people who owned it as living like "tourists". Yet it would also appear there were not all that many differences between most village dwellings and the type of housing found on estate camps prior to the 1960s. As Benedict (1961:55) points out, huts made of wattle and daub were quite common, as were earthen floors laid over stone foundations, and while poor families did their cooking on verandahs, others did it in a "separate hut of sheet iron located in the yard", and apparently housing in villages was also crowded (cf. Benedict 1961:12).<sup>350</sup> Similarly, although most village dwellings had their own yards, something that estate camp inhabitants could not claim to have was pit latrines, and the bucket system were the most common methods of conservancy, and it is likely that in the absence of these, villagers would have used nearby cane fields. Benedict also states that household chores were primarily the responsibility of women and children,<sup>351</sup> and that these included doing such things as replastering earthen floors with red clay and cow dung, collecting water from the village fountain or nearby rivers and streams, if fountains were lacking (cf. ARLD 1945:3), and walking long distances to collect wood for cooking and fodder for livestock. Rearing cows and selling milk in order to generate additional sources of income also seem to have been quite common in villages and were primarily the responsibility of women,

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#### Reference 105 - 0.02% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Living conditions in villages were also superior to those in estate camps because they were less isolated and enjoyed access to social services and recreational facilities funded and maintained by Government and Village Councils. Some of these amenities included public fountains, medical dispensaries, Government schools, agricultural services, public transport, electricity, police and fire protection, shops, cooperative credit societies for small planters, post offices, social welfare centres, football fields, cinemas, and religious

organisations and edifices. But as Benedict (1961:56) points out, even in spite of these advantages, the economic fortunes of most villagers in Mauritius were still principally derived from labouring in cane fields. Most of the elderly sugar estate workers interviewed began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired. This had two important ramifications. Firstly, it meant that during the inter-crop season, when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting brèdes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>352</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase what would satisfy almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.

The susceptibility of labourers to the seasonal cycles of the sugar estates had another important ramification. It made them reliant on credit to tie them over during the inter-crop season (Benedict 1958; cf. Balogh 1963:60). Some of the most pertinent examples of these credit relations include Sino-Mauritian shopkeepers extending credit to their clientele and the loans that sirdars and jobcontractors made to labourers to bind them more effectively to them. Benedict states he found no evidence of job-contractors charging high interest rates on these loans. But he (Benedict 1958:217) also points out that "a man who accepts a loan from a job contractor would feel obliged to work for him." He adds that job-contractors recovered their money by making deductions from the wages of labourers during the crop season, and if the oral testimony of the elderly sugar estate workers quoted earlier is anything to go by, this may have offered another opportunity to make further deductions from the wages of labourers at usurious rates. According to Benedict (1958:217), sirdars employed on estates had "much the same relations of borrowing and lending" with monthly workers, and that this arrangement ensured sirdars had an interest in employing labourers to whom they loaned money. Thus, some villagers had better housing and enjoyed access to Governmentfunded social services and recreational facilities.

However, how far sugar estate workers themselves benefited from the post-war boom in sugar production because, as the Balogh Commission (1963:30-31, 53) stressed, real wages rose very little between 1939-1957 and this was one of the main complaints aired by sugar estate workers who testified before the Commissioners. What is more, the Balogh Commission (1963:61, 128-130) raised doubts as to whether funds allocated to help sugar estate workers to build homes, with interest free loans by the Sugar Industry Labour Welfare Fund, reached its designated target. <sup>353</sup> "The picture is [...] that of a poorly-paid, undernourished, sickly population, capable of only such limited output of work that an increase of wages offers little promise of improved performance." Only two years later, the Director of Labour was issuing further warnings about the sickly state of Mauritian sugar estate workers in the 1945 Annual Report of the Labour Department:

When a group of labourers

#### Reference 106 - 0.01% Coverage

it (ARLD 1945:8-9).

It was only with Major Orde Browne's 1943 report on labour conditions in Mauritius, that the subject of the malnutrition of the Sugar Industry's workforce began to receive more sustained attention. According to Major Orde Browne, the diet of Mauritian sugar estate workers was noticeably deficient in protein and showed a marked dependence on rice and carbohydrates. The budget of the average labourer working in the Sugar Industry was the small proportion of their

Reference 107 - 0.01% Coverage

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wages which they spent on protein. Apart from fish, goat's meat was the principal form of animal protein consumed by the average sugar estate worker. The informants stated they mostly ate rice and various types of vegetables, and could only afford to eat meat on special occasions

Andrew Balfour's report on medical

Reference 108 - 0.01% Coverage

to do so by Balfour.

Hookworm disease seems to have escaped their attention because its symptoms were not as readily discernible as malaria's. The number of deaths attributed to ankylostomiasis in Mauritius in the year 1920 was only 16, but Balfour (1921:15) questions the accuracy of these figures in his report. It was probably responsible for raising the island's death rate, due in part to the fact that it weakens "resistance to disease".<sup>354</sup> Yet, although hookworm disease may not lead to as many observable deaths as malaria, its effects have been shown to be just as lethal, as it not only leads to a higher incidence of foetal mortality rates, but has also been implicated in stunting growth and impairing cognitive development, as well as increasing susceptibility to other diseases. According to Kendrick's report, one of the primary causes of the spread of hookworm disease was poor sanitary conditions, and, in particular, the inadequate provision of latrine systems, indeed the very type of conditions that were noticeably deficient in estate camps and rural areas (cited in Balfour 1921:18).<sup>355</sup>

But in his report, Balfour

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assumed his duties in 1944,

claimed that even if provided with suitable sanitary conveniences, labourers would prefer to use "neighbouring cane fields" (ARLD 1944:4). But as Mr. James Stirling, who replaced Wilkinson as Labour Commissioner in 1951, pointed out in the ARLD of 1954, after sugar estates had built more detached concrete dwellings for families with kitchens, bathrooms and toilets, labourers took a keen interest in their proper maintenance and were making effective use of the bathrooms and camp latrines (ARLD 1954:11). And as alluded to earlier, Benedict also drew attention to the poor conditions of latrines in estate camps in his ethnography, the fieldwork for which, it is important to bear in mind, was conducted at the end of the 1950s, showing that not much had improved in that time.<sup>358</sup>

Working Conditions of Mauritian Sugar Estate Workers after Indenture

The working conditions of sugar estate workers in Mauritius have changed quite considerably since the end of the indentured labour period. The construction of large factories and, in particular, the mechanization of tasks that used to be done by hand has radically transformed the industry, leading to massive reductions in the size of the workforce.

However, there has been continuity

#### Reference 110 - 0.01% Coverage

performed as one operation.

'Épierrage'

The next task is épierrage or clearing the land of stones and rocks. This is occasional work and does not always form part of the normal work of a labourer on a sugar estate. This is followed by pincage, which consists of removing the stones from the holes with a pince or crowbar.

Planting cane tops

The land

#### Reference 111 - 0.01% Coverage

case of virgin canes.

Dépaillage

The operation of nettoyage is usually followed by dépaillage, which is carried out just before cutting begins. Dépaillage consists of removing all superfluous leaves adhering to the cane. 'Depaillage' completes the number of operations performed during the inter-crop and is followed by the work of cutting and transporting the cane, the conditions of work being the same in respect of ratoons, as in the case of virgin canes, subject to the proviso that rates for cutting ratoons are slightly lower than in the case of virgin canes, as the work is considered to be of a slightly lighter nature. These are the principal operations performed on a large estate, from the clearing of land preparatory to planting, up to the operation of crushing the cane in the factory.

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#### Reference 112 - 0.01% Coverage

tiban" in the Creole language).

Yet while it does not appear that women were exempt from doing physically demanding tasks such as cutting and loading cane for instance, tasks often described by both male and female informants, as being the province of men who worked in the Grande Bande and which they accordingly rationalized was the reason men were paid more than women. The ALDR of 1945 indicates that women who worked in the Grande Bande were being paid less for doing tasks that appear to be little different to that which men who worked in the Petite Bande performed (ARLD 1945:24-26). According to the ARLD of 1945 men who work in the Grande Bande are "required to perform any sort of unskilled or semi-skilled labour on a sugar estate", while men who work in the Petite Bande are "required to perform the same sort of labour [...] but with a reduced task and not bound to do holing". This sounds like the same type of tasks that women who worked in the Grande Bande were expected to perform, and indeed if we compare the ARLD of 1956, which reproduces a copy of a collective agreement reached between the Mauritius Amalgamated Labourer's Association and the Mauritius Sugar Producer's Association, it states that women working in this group were not expected to cut or load cane.

Women, Class, I, Grande Bande

#### Reference 113 - 0.01% Coverage

basket" (ARLD 1956:21-22).

Thus, it is entirely conceivable that female sugar estate workers who were not covered by this agreement would have been paid less than men were. And by the same token, we should not rule out the possibility that those female sugar estate workers, who were covered by this Agreement, were also paid less than men for doing similar types of tasks if their employers failed to abide by the Collective Agreement.

The Labour Laws that have been enacted over the course of the twentieth century have also affected female sugar estate workers. Until 1973, no law delineated what types of tasks female labourers were expected to perform.<sup>359</sup> Although the Minimum Wage Ordinance of 1934 stipulated the rates of pay and types of tasks to be done by both male and female labourers, the amendment the Colonial Government made to the Ordinance in 1944 was principally aimed at ensuring that sugar estates complied with the law and paid labourers the wages they were entitled to, as one of the main conclusions to stem from the 1943 Moody Commission Report was that the failure of the Industry to implement minimum wage rates was one of the chief causes of the 1943 strike.

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#### Reference 114 - 0.01% Coverage

crop has to be harvested.

The most poignant testimonies have been furnished by the elderly female sugar estate workers. For instance, one informant<sup>360</sup> complained that she would hurt herself when she had to remove straw from the sugarcane just prior to it being cut by male labourers (the process described as *dépaillage* in the Hooper Commission's summary above). She also says that she used to wear *linz lakaz*, that is, her everyday clothes to work, and that workers were not provided with uniforms, boots, gloves and masks until after Independence. Similarly, in Pamela Sooben's (2009: 16-17) undergraduate dissertation, the elderly female sugar estate workers she interviewed complained of having to remove straw from sugarcane. In order to protect themselves, they wore long socks over their hands, but that still did not prevent the straw from piercing their old socks and drawing blood from their hands: "When the sirdar asked us to remove 'divet' from sugarcane, especially 'canne coulou', we would run away because these 'divet' pierced our old socks, hands and fingers. We also used to get rashes". These women also complained of finding it difficult to cook for themselves after a day's work because of the injuries they sustained to their hands, while working in the cane fields without gloves (Sooben 2009:8).

After Independence, laws were finally introduced restricting the types of tasks female sugar estate workers were allowed to perform. Sugar estates were also required to provide workers with protective clothing.<sup>361</sup> This issue demonstrates the callous attitude of the Mauritian Sugar Industry towards its workforce, for it appears that most sugar estates would not have felt compelled to do anything until forced to do so by the intervention of Trade Unions and the subsequent ratification of these demands by the National Government.

We have not understood why

#### Reference 115 - 0.01% Coverage

full amount due to workers.

Illegal deductions continued, as under indenture, from the wages of indentured labourers (Hooper 1937:166-167; Balogh 1963:149-151). Complaints pertaining to illegal deductions made from wages primarily apply to job-contractors, but also to field supervisors, *markeurs* (i.e., pay-roll clerks) and estate managers. Despite the laws introduced, the practice of marking labourers as absent when they had done a

day's work, or maron, in the words of the elderly sugar estate workers themselves, and making illegal deductions from the wages of labourers was not, however, discontinued.

The Labour Department, later renamed

#### Reference 116 - 0.01% Coverage

reimbursed for lost wages.<sup>364</sup>

An informant,<sup>365</sup> who rose from being a field labourer to work as a marker himself, also describes sirdars engaging in these illegal practices, referring to it in French as *trucages*. Describing his responsibilities as a sirdar, another informant<sup>366</sup> said that at the sugar estate where he worked, the *kolom* (or field supervisor) would check on the work of sirdars and labourers and that if he was not satisfied with the quality of the work, he would mark labourers as *ena sans al maron*<sup>367</sup> and that they *pa gagn zot kas*<sup>368</sup>. Similarly, another informant<sup>369</sup> states that the manager of the estate where he worked would order sirdars to tell the labourers to redo their work if he was not satisfied with the quality of their work, even if they had done it properly. As the informant points out, *misie-la* (the estate manager) would come and check on the labourer's work after two days, hence by this time some of the weeds could have grown back, making it easier for him to find an excuse to tell the labourers to redo their work and deduct their wages. The informant added that he and his workmates could not contest the orders of the estate manager and they had no choice but to complete the *latas* (or load of work), even if they found it too difficult. Of course, this would have also made it easier to deduct the wages of labourers on the pretext that they had failed to complete the task required of them.

It should be pointed out that a number of informants confirm that there were instances of labourers not doing their work properly and describe sirdars and other estate personnel whom they worked under as being very reasonable and pleasant to work with. But that should not detract from the fact that abuses have taken place, and that practices that one would expect to be more characteristic of the indentured labour period, continued after the end of indenture.<sup>370</sup> Complaints pertaining to the non-payment of wages, and in particular job-contractors, appear in the reports of various Commissions of Enquiry convened to investigate working conditions in the Mauritian Sugar Industry since the end of indenture, but the problem never appears to have been stamped out.

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##### JUSTICE COMMISSION 9. JOB CONTRACTORS

The Mauritian Sugar Planter's Association, the main organisation representing millers and large planters have strenuously denied the allegations and assured the Commissioners that it was inconceivable that these abuses were taking place, as measures had specifically been put in place to "exclude such malpractices" along the lines first recommended by the Hooper Commission. Yet, it is interesting to note that, at least with respect to ensuring that estates and job-contractors kept accurate records of hours and wages earned by labourers after the 1938 Labour Ordinance passed into law, the Labour Department was continually turning up evidence of poor recording keeping practices and for which labour inspectors often fined them.

The protestations of innocence are

#### Reference 118 - 0.01% Coverage



implicated in perpetuating these abuses.

The sugar estates have always had a vested interest in making sure the job-contracting system was not abolished, as it would have put an end to one of their main means of recruiting workers, particularly since the Industry has consistently been moving towards the employment of casual workers and the retrenchment of monthly or full-time workers for the greater part of the twentieth century.

In line with the findings of the Hooper Commission, the Balogh Commission proposed that the best way to eliminate these abuses was for the estates to pay labourers directly. But in contrast to the 1961 Meade Economic Report, it stopped short of calling for the abolition of the job-contracting system, even though the Commissioners stated that they hoped "eventually the job-contracting will be replaced by more conventional methods of labour recruitment" (Balogh 1963:151).

All Commissions recognized the role of the job-contracting system in securing workers for the sugar estates and they all desisted from making any recommendations that would hamper the ability of the Industry to hire workers. Even the 1983 Manrakhan Commission of Enquiry into the Mauritian Sugar Industry, alluded to this complaint very briefly.

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#### Reference 119 - 0.01% Coverage

the sugar mills in 1830.

During the rapid subdivision of land that took place from the 1840s to 1880s, recently-freed exslaves joined the ranks of the Gens de Couleur and purchased land.<sup>414</sup> However, few were able to retain them for various reasons to the point that they barely possess any land today. Unwillingness to labour land themselves, as it was seen as an activity for 'slaves' or unable to procure labour, and little access to capital are cited as some of the reasons. The Gens de Couleur became predominant in the factories and the building industry. In 1952, 49.5% of the 'Coloured' and Creole workforce were employed in these two sectors.<sup>415</sup> There was the perception of constant threats from the 'Whites' (Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the 19th and 20th centuries. Thus, it gradually lost its economic position and was forced to sell to either 'Franco-Mauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

The Gens de Couleur constituted

#### Reference 120 - 0.01% Coverage

Population of slaves in 1835

Population and estate slaves Other plantation slaves Workers and servants

Children and old persons Old

#### Reference 121 - 0.01% Coverage

and led a precarious life.

As a side income, many rural Creoles continued the tradition of pig-and poultry-breeding, and some even started cultivating vegetables. As they were also fervent Catholics, they maintained a close relationship with the Church and took an active part in the activities of the Church and even on the Committee of

Management of the different fabriques.<sup>421</sup> Many are home-owners and their children are generally more successful in life than those living in CHA housing estates. A few have successfully climbed the social ladder to become technicians and professionals.

Creoles as artisans and skilled

#### Reference 122 - 0.01% Coverage

500 107

3000 Short History

Artisanal fishing has existed since the days of slavery and was practised by all categories of persons. Estates located on the coast used slaves for fishing activities although it is not certain whether the slaves were free to fish for themselves. After slavery, ex-slaves, who wanted autonomy, found in fishing the perfect economic activity. Marooned slaves on the run waited for dusk to install batatran, a sort of creeper growing in the coastal region in passages to catch certain varieties of fish, entering the lagoon at night, thus ensuring a diet rich in protein content for those living by the sea.<sup>432</sup> Fishing is, thus, is closely associated with the history of slavery and freedom. Trou Chenille in the Le Morne region and many of the coastal fishing villages, Le Morne, Tamarin, La Gaulette on the Black River coast, was one of the reknowned places for fishing and also where ex-slave communities established themselves. This area has great symbolical value for descendants of exslaves today.<sup>433</sup> Other coastal settlements, inhabited by Creoles, are Mahebourg, Trou d'Eau Douce and Grand Gaube, Grand Baie, Poudre d'Or and Poste de Flacq.<sup>434</sup>

In the not too distant

#### Reference 123 - 0.01% Coverage

reasonable prices.

7. Pig-breeders

Pig-breeding is one of the oldest farm occupations in Mauritius. During the Dutch occupation, pig meat was one of the main sources of animal protein to the small colony of European and slaves. This activity was further intensified during the French occupation, as the population increased. Slaves were assigned the task of feeding the animals on sweepings, left-overs and root crops such as sweet potatoes, manioc etc. Livestock and goat-keeping were also undertaken by slaves. Pig back-yard rearing continued to be a common feature throughout the island without restriction. With the advent of the indentured labour immigration, Muslims and some Hindus being non-pork eaters, care was taken to restrict pig-breeding near them. Most sugar estates continued, however, to keep large sties, and this occupation was assigned to Creole workers. During the period covered by slavery, the noblest parts of pork carcasses were destined to the masters and the rest of the animal to the slaves who had the right to a diet consisting of meat once a week. Pig production and consumption are a tradition which has stood the test of time. Many slaves were initiated in the art of pig-processing by their French masters; many recipes originating from Brittany, were introduced by the French colons and are still in use to this day, both in Mauritius and Rodrigues.

After the abolition of slavery

#### Reference 124 - 0.01% Coverage

occasions.

Restriction on pig-breeding

By the first half of last century, however, with the end of the malaria epidemic, the population both in urban, suburban and in the rural areas, witnessed a spectacular surge. In-built areas were such that back-yard pig-rearing became a problem, causing serious environmental problems. Cyclone Carol of 1960 and Gervaise in 1975, with their devastating effects, led to the construction of housing estates by the Government, mainly destined to the Creole proletariat. The rehabilitation of the Creole proletariat on such housing estates dealt a further blow to the tradition of pigbreeding.

By the early 1970s, pig

#### Reference 125 - 0.01% Coverage

number of large pig breeders

To fill the void in the short supply of fresh pork and pork products, a few big entrepreneurs, including sugar estates, decided to go in for pig-breeding on a large scale. Their venture was, however, short-lived in view of the sharp increase in the price of imported feed and fierce competition from imports of pork carcasses and processed pork products. As returns on investment became more and more unattractive, contraction in this farm occupation became inevitable.

Integrated Pig Marketing Project

Encouraged

#### Reference 126 - 0.01% Coverage

Trading Corporation in the 1980s.

The Vrac was salutary for the dock companies and the sugar estates; it enabled, among other things, higher productivity, the fulfillment of international quota and employment of a smaller workforce, which translated into huge profits for the companies. However, port workers saw the creation of the Vrac in a very different light. The last Dockers from Albion/Mauritius Docks were dismissed in 1981 and shortly after that, in 1982, the Cargo Handling Corporation rose from the ashes of the Blyth, Desmarais and Taylor & Smith conglomerate. This major re-configuration was, in fact, an electoral promise between the MMM and its electorate, which, at the time, consisted mainly of working class families. The 1971 strike and the massive lay-off in 1979, 1980 and 1981 were still fresh in people's memories and the prominence of the MMM in all of the major Trade Unions had most probably a lot to do with the legendary '60 zero' victory in the 1982 elections. Few of the formerly discharged workers were recalled to work for the newly-minted Cargo Handling Corporation.

Political Contribution

The 1938 strike

#### Reference 127 - 0.01% Coverage

for reforms for the employees.

The strikes of 1971 brought the political presence of port workers to the level of national awareness. The strikes spread from the sugar estates to aloe sack factories and other sectors of the economy. This forced the Labor Government to declare a state of emergency; trade unionists were arrested and imprisoned without trial, and all the GWF activities were suspended. In 1982, the political savvy of port workers was felt even more strongly when the Coalition Government of MMM, MSM and PSM came to power.

As a result of this

#### Reference 128 - 0.01% Coverage

work and became vagrants.”<sup>455</sup>

An increasing flow of Chinese immigrants occurred from 1840 to 1844, when emigration was temporarily suspended in India, and the Government turned towards the Chinese as a source of labour despite its past negative experiences with the latter. During that period, 8,000 Chinese landed in Mauritius, 3,000 between December 1840 and July 1843 and 5,000 up to 1844. The Chinese were then “seen as the saviours of the sugar economy,”<sup>456</sup> but cases of bad attitude and/or ill-treatment were still very present. James Ng and Marina Carter (2009) remarked that in a few cases, they found that the Chinese were not seen as ‘victims’ but rather as ‘instigators’ of disorder,<sup>457</sup> for example, the case of 18 Chinese working on the Queen Victoria Estate. The latter complained of ill-treatment on the part of an Indian Sirdar and a Creole overseer, but they were punished with 8 days in prison and a salary deduction for acting in a threatening manner. Other

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between these two local communities.

Their commerce expanded through rural, as well as urban, areas. By the 20th century, the Chinese population was geographically well distributed: “The network of village and estate shops was so extensive that small groups of Chinese were presented in almost every hamlet on Mauritius.”<sup>467</sup> They would engage in various activities but retail trading remained the most prominent.

The economic rise of the

#### Reference 130 - 0.01% Coverage

their minds are burdened”.<sup>502</sup>

The Mission Indienne, of the Catholic Diocese, succeeded in maintaining its presence in certain areas of the island, more especially among Tamil estate workers in areas such as Mont Roches, Stanley, Flacq, Quartier Militaire, L’Espérance, Poudre d’Or and Souillac.<sup>503</sup>

In 1872, the Indo-Catholics in the area of Stanley set up a small chapel on a plot of land donated to the Port Louis Diocese by the former Stanley Sugar Estate owner and Manager, Sir Célicourt Antelme. It was, according to Amédée Nagapen, a small building (130’ X 100’) with a roof made of thatched grass and a floor and walls plastered with cow dung. The hall was built, as a result of the collective efforts of the older generation of Indo-Christian immigrants from what is today, Tamil Nadu. This hall became a meeting place for Indo-Catholics where Father Puchinelli, who had served in South India, celebrated mass in Tamil and gave religious instruction. By the beginning of the 20th century, a new chapel was built to meet the needs of an ever-increasing number of parishioners. The building was pulled down to make way for the construction of the new Parish Church of St. Anne in 1971.<sup>504</sup> The Old Chapel, built in 1872, was also renovated to serve as Parish Hall and stands in front of the new Church.

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#### AND ORIGINAL RICHE TERRE PLANTERS

The history of the métayers (share croppers) was brought to the Commission's attention as a result of representations made by métayers in the South of Mauritius. The Commission decided to investigate further for several reasons. First, although they have grown sugar since the days of indenture (1840s), they have never owned the land and can be evicted at any time. They have, like many other groups in Mauritius, been the victims of restructuring of the Sugar Industry. A history of metayage appears in Volume 2 and in Volume 4. In the past, eviction could occur at any time, when their leases ended, when sugar was no longer required, or when the land was required for other more profitable purposes. What is the future of métayers in the new economic configuration? What future do they have? Today, the lands which they occupy and have been associated with for generations, considered 'marginal' at the time, have been 're-labelled' 'strategic' zones today, and are worth millions. The sugar estates have played their historic role, as they always have; they have disposed of labour when no longer required, and shifted labour where work was required, intimidated and used all the legal arsenal at their disposal to maintain their property. What is reprehensible is the role of

#### Reference 132 - 0.01% Coverage

even disregarded Privy Council judgements.

A much publicized agreement was signed between the Mauritius Sugar Producers Association and the Government before the elections of 2010. The Commission learnt that the métayers in the South had not participated in discussions, nor even seen the Agreement, signed on their behalf, with the exception of the Secretary of the Association who had not informed his members or the President of the Association. A meeting of métayers in the South was convened. The métayers felt they had been abandoned by the Democratisation Committee and by a Member of Parliament at that time, who had represented them before. According to them, some of their members have been "bought" by the sugar estate to accept less better terms. None were aware of the terms of the Agreement signed on their behalf. They felt that, had it not been for the 'vendeurs' (traitors), they would have got the land that they wanted. Some have an emotional attachment to the land which they have worked on for generations; they did not want any other land. Some of the lands proposed for swapping were too far away. Other lands were being given on hilly land and on hunting land which was not flat and which makes harvest difficult and impossible to mechanise. They felt very strongly about their land. They had cleared and planted it, made it rich and valuable land for many years. The sugar estates have made much profit from their labour, when selling sugar, but none of this counted in assessing the value of land. The role of Surveyors and Notaries in depriving people of their land was decried.

It is clear that the

#### Reference 133 - 0.01% Coverage

and signing the new Agreement.

Despite the fact they were advised not to sign the Agreement with the sugar estate, many did so and regret it today. Today the métayers want reparations for having performed labour for the sugar industry over many generations; now, they are being asked to 'lev pake ale' (pick up their bags and go). They also stated they had been victims of intimidation: pigs and deer have been let loose on their land to force them to leave as crops were destroyed, and fire has been set to their canes.

Many are descendants of immigrants

#### Reference 134 - 0.01% Coverage

there is no abuse.”<sup>509</sup>

It appears that sugar estates have offered land on lease to métayers but have arbitrarily taken land back, without explanation or offering land in return. The case of Sewpal is one of several where 40 arpents of land were taken away from his father in an area called Chazal, causing huge loss of income to the family, a loss from which the family never recovered. The métayers were too poor to be able to afford Lawyers, and were unable to defend themselves.<sup>510</sup> It appears that for several years, despite an Independent State, the situation has not changed much in Mauritius.

On 16 July 2009, the métayers were told to go back to the sugar estate and ask to buy the land.<sup>511</sup>

They were also promised a

#### Reference 135 - 0.01% Coverage

keep to the original Agreement.

It has become clear that the métayers, as a group, had not been consulted about the Agreement which concerned them, neither were they informed of all three options, but only of one option, option 3, ‘buying back of métayers’ rights’ was pursued because it was in the best interest of the sugar estate. It appears also that there is no record of the meeting between Mr. Cader Sayed Hossen and the MSPA representative.

The Ministry of Agro-Industry

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work out the figures.’<sup>518</sup>

The Agreement, signed between the Government and the MSPA, was an ‘accord cadre’, (a general agreement) and this general agreement forms the basis of individual agreements that have been, or are to be, entered between individual sugar estates and their métayers.<sup>519</sup> The response of the Ministry, when questioned on whether it was fair that métayers were given only two days’ notice to come and sign the Agreement, after receiving their compensation payments, the exact amount of which they were not aware, it stated that ‘any reasonable person’ would consider this ‘a bit unfair.’<sup>520</sup>

However, the Agreement is ‘monumentally vague’, thus “permitting sugar estates not to make very precise commitments with respect to the historic rights of the métayers.”<sup>521</sup>

The then Chairman of the Commission for the Democratisation of the Economy stated that his role was also to review the Mauritian ‘economic model.’ One major activity was to advise on the future of small planters and métayers. He felt there was no future in sugar for small planters, and that they should abandon it, but the sugar estates wished them to continue. He defended the position of the Government and stated that had the Government not intervened in favour of métayers, they would never have obtained any compensation at all. He stated that he was aware that there had been cases of intimidation and that the situation in Bel Ombre was not the ‘best’ situation. The métayers deserved better conditions and better compensation, he stated. However, he added that as ‘institutional memory’ existed at the Ministry of Agro-Industry, if Bel Ombre decided to request permission for luxury projects, this may not be favourably viewed.<sup>522</sup>

He stated that the three

#### Reference 137 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

It is regrettable that other groups have also been treated in such a cavalier fashion. The plight of the original Riche Terre planters also comes to mind.<sup>525</sup> In this case, they were sold land by a sugar estate which came soon after was compulsorily acquired by the colonial Government. A question could be posed: did the sugar estates know in advance that the land was to be compulsorily acquired? The small planters consider they were given a minimal compensation. They also stated to the Commission that they were verbally informed that they would be returned the land when the Government no longer needed it. Years later, this same plot of land was given to a group of planters and despite all their protests to the Ministry of Housing and Lands, their voices were ignored by the same Ministry. This same land now has been given to a Chinese business group. The new Riche Terre planters who were removed have since attracted much attention and been given land elsewhere, but the original Riche Terre planters have been totally ignored. Since the loss of their land, although some were able to continue on with their lives, others faced extreme financial difficulties. It appears that the 'verbal' commitment given by the Colonial Government was not considered at all by authorities.

##### RECOMMENDATIONS

1. A fairer and

#### Reference 138 - 0.01% Coverage

of indentured labourers to Mauritius.

2. In the case of Bel Ombre and St. Felix sugar estates, where the métayers have undergone severe emotional, psychological stress due to loss of land, to lack of understanding and ability to adapt to rapid and changing economic policies in their locality;
  - a. not been provided with

#### Reference 139 - 0.01% Coverage

position to impose their views.

Commission recommends reparation payments by Government and the St. Felix Sugar Estate, for moral damages, loss of historic rights and loss of income on the part of métayers.

3. For the original Riche

#### Reference 140 - 0.01% Coverage

the land farmed by forefathers.

□ Immense amount of agricultural activities, carried out prior to sugar cane planting and maintenance of land which the same sugar estates are now benefitting from and which have not been included in the compensation calculation.

□ Property rights are not the only consideration as métayage has immensely benefitted the sugar estate owner: cheap labour, sugar produced on land that he would find difficult to farm (poor soil, sloping or rocky land).

□ Calculation of compensation was based

#### Reference 141 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

□ Absence of transparency on part of both Government, sugar estate and MSPA concerning the Agreement signed before elections between Government and representatives of Sugar producers. Numerous examples can be provided: unwillingness to divulge contents of agreement (docs.), not inviting métayers to take part in Agreement discussions (docs.), not sharing the results of Valuation Committee Reports (docs.).

□ Unwillingness on the part of

#### Reference 142 - 0.01% Coverage

had been informed and contacted.

□ Utter disregard for the métayers by the sugar estate which has such a prestigious name. The letters to come to receive compensation were sent with no names and not registered. At least one was delivered in a market and not even in an envelope.<sup>526</sup>

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#### Reference 143 - 0.01% Coverage

pure black, and not accepted.

One of the consequences in India of such a logic of purity is discrimination and/or spatial segregation. Indeed in India, in many villages, 'high' castes, the 'pure', Brahmins or farmers for example, live in the heart of the village. Around them, reside the service castes (craftsmen). Far away from them, reside the 'Untouchables', whose members are not allowed to collect water from the pond or the local well, nor allowed to have tea in the village's common places or to enter the other castes' houses. How far did this exist on ships, on Mauritian estates? And how far does this persist today?

In India the religious territory

#### Reference 144 - 0.01% Coverage

catching strategies engineered by candidates).

Where caste has ceased to matter during and after indenture is in friendships and estate working conditions. In Mauritius, as in India, the caste hierarchy is not fossilized. The identification of each caste's place in the overall system is permanently debated and negotiable. Much depends on the context and in definitions of 'caste'. As this flexibility existed in the original Indian system, it is not really possible to state conclusively that fluidity in caste relationships in Mauritius is the result of indenture and/or of a possible slowing down of casteism in the contemporary Mauritian context.

Social mobility

It is fair

#### Reference 145 - 0.01% Coverage

served last, and eat separately.



In the estate camps, river water was shared by all, even if it seems probable that high-caste people would be served first, and would bathe upstream. All castes were supposed to use the same taps, but certainly not the same containers for water. Certain wells were located close to high-caste houses, and were reserved for them.

Purity

The purity factor was

#### Reference 146 - 0.01% Coverage

Alcohol Consumption, Production and import

Rum being derived from molasses existed as an industry wherever sugar was made. In Mauritius, prior to 1895, a distillery was attached to almost every sugar estate, and over 100,000 litres were produced per month, bringing a high amount of revenue to the Government. But with decreasing exports to Madagascar and East Africa, the revenue from the sale of rum fell significantly, and most of the distilleries closed their doors, thus greatly decreasing the level of alcohol consumption on the Island (Anderson 1918). In the early 20th century, liquor consumed in the colony was either imported or manufactured locally. Imported liquors included whisky, brandy, gin, vermouth, rum (in very small quantities), liqueurs and cordials, wine of every description, ale beer, porter and cider. The local product was rum, obtained by the distillation of sugar cane molasses. It was generally consumed as it came from the distillery, or after having been artificially coloured or flavoured,

Following the distillation (Rhum prepare

#### Reference 147 - 0.01% Coverage

litres (Balfour 1921, Kuczynski 1949).

High alcohol consumption had been the cause of sickness and mortality among slaves, apprentices and troops. During the 1825-40 period of sugar expansion, the widespread distribution of liquor to slaves as an incentive to work proved to be detrimental as slaves turned into alcoholics. The amount and frequency of arrack distribution differed on each estate but ranged from as little as once a week to several glasses a day. Liquor became cheap and freely available as slaves began to distil it in their huts and sell it to other slaves. Alcohol consumption increased dramatically during the crop season and affected both men and women. It led to various social ills, including fighting among slaves, general disorderliness, theft, lateness at work, insubordination, accidents and, even sometimes, suicides. There were also many unlicensed liquor shops in the districts (Teelock, 1998).

Alcohol abuse also became the cause of great concern during indenture period, when an increase in drunkenness caused a reluctance to work among Indians. On some estates in the 1840s, rum was even distributed free together with the rations. It was realised that high alcohol consumption was detrimental but the Government was reluctant to increase taxes on arrack production as this would be unpopular among distillers, and it took no measures to decrease consumption as sale of rum generated important revenue for Government (Teelock 1998, Boodhoo 2010). High-sales of rum and locally-made wine, both almost exclusively consumed by the Coloured population, were regarded, to some extent, as symptomatic of low vitality and limited interests in work (HMSO 1943).

Consumption of alcoholic beverages increased

#### Reference 148 - 0.01% Coverage

country in search of documents.

The first hearing of the Commission was held on Friday 23rd October 2009 and the last hearing on Friday 16th September 2011. The Commission held 212 hearings sessions in all. The purpose was to elicit more information, thus allowing Commissioners to better comprehend a case. The hearings helped to clarify many issues and to encourage those who were unwilling to submit documents to do so. All sessions of the Commission in Mauritius were held, either in public, or in camera and the press and other media were invited to attend. Some persons invited before the Commission chose to ignore same and had to be summoned, as provided under Section 5(d) of the Act. The Commission heard people from all walks of life, from Chief Executive Officers of sugar estates, Heads of Ministries, Departments and parastatal bodies as well as private individuals and professionals. It is also to be noted that more than one hearing was necessary to clarify a number of cases brought before the Commission. Some parties were assisted by their legal advisers or Land Surveyors.

By July 2010, after a

#### Reference 149 - 0.01% Coverage

dispossession to be better controlled.

Sugar Estates

3 Tancred 4 Kisnorbo 9

#### Reference 150 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

As will be noted from the preliminary categorisation, for example, a large number of complaints were received, involving large plots of land, alleged to have been prescribed or occupied by Sugar Companies. A majority of the complaints emanated from people who, through ignorance or lack of financial resources, have left their ancestral lands undivided or unoccupied. Most such lands have subsequently been appropriated by other parties, including the sugar estates through prescription, wrapping ups, and so on. Other cases refer to litigation among heirs and family conflicts.

It became apparent to the

#### Reference 151 - 0.01% Coverage

in relation to land matters.

Furthermore, the Commission has also observed some disturbing factors which should be highlighted: □ The demand for more land and the rapid development of real estate has opened the door to a new breed of "Récupérateurs de terres". These individuals open and run modern offices, invest huge sums of money to better attract their clients, establish deals through fake societies ('société écrans') on the basis of 49%/51% or vice-versa, to retrieve lands with the promise of a better future for those who are in search of their heritage.

□ Furthermore, some Land surveyors, seconded

#### Reference 152 - 0.01% Coverage

of stock Government-owned land;

Reducing land speculation and curtailing the increase in land value; and Organising and regulating of a real estate market.

Truth and Justice Commission 354

#### Reference 153 - 0.01% Coverage

of their fields.

#### 6. DISPOSSESSION

The Commission has observed that affidavits have been sworn by witnesses who do not know the deceased person and the persons who are entitled to apprehend the estate and succession of the deceased person. These persons are called "professional fake witnesses" and swear affidavits upon payment of a sum of money. These persons are found lurking near the officers of Attorneys and Notaries and offer their services whenever needed.

The Commission has also observed

#### Reference 154 - 0.01% Coverage

that all was not well.

Slavery was legalized, following the enactment of the Lettres Patentes (Code Noir, 1723). Studies carried out in both French and British periods show that slavery was far from being 'mild'. Slaves were chattel in the eyes of the Law, as well as being movables and they could be sold, hired out and transferred at any time in their lifetime. Slaves had no right to property, to a stable family, to a legal personality, or even to a surname. Slavery was also marked by the denigration of African and Malagasy culture and religion. Today, slavery is officially recognized as a "crime against humanity." When abolition of slavery occurred in 1835 and was replaced by wage labour, mainly from India, this was considered as a major advancement. However, this new immigrant contractual labour was far from being 'free', and numerous restrictions were placed on their mobility. Health and sanitary conditions on estates were far from satisfactory and on many sugar estates, there was heavy mortality.

The Commission's mandate was to

#### Reference 155 - 0.01% Coverage

the rise of Trade Unionism

It was not until 1936 that Mauritian society underwent a profound transformation in terms of the rising consciousness of workers. This occurred with the advent of the introduction of trade unions and the foundation of the Labour Party by Dr. Maurice Curé and Emmanuel Anquetil. This came about because of very low wages, and the indifference of the Government of the day more inclined towards the preservation of sugar interests. Several strikes by workers struck the island claiming justice. Protests also came from small planters as it had become difficult to survive with the meager revenue from the cultivation of sugarcane. In the absence of regulations concerning the purchase and sale of cane in different factory areas, a drastic cut of 150% in the price of cane belonging to the Uba variety was effected. This added fire to the flames. There was a loss of life as a result of shots being fired from the premises of the sugar estates.

The Labour Party campaign had

#### Reference 156 - 0.01% Coverage

in the field of Health

Providing a good healthcare is one of the means of preventing poverty through the prevention of sickness. The Government Medical Service has its origins in the provision of medical care under the Poor Law. Prior to Independence, there were 8 general hospitals, with 1642 beds and 46 dispensaries. There also existed 24 sugar estate dispensaries, with a total capacity of 494 beds. Over time, the sugar estate hospitals were phased out and in 1991, the Government Medical Service had four Regional Hospitals, five District Hospitals and four Specialized Hospitals. Private and Public Health Care also exist side by side; the former is serviced by about 50% of the physicians in the country.

Today, Mauritius has a highly

#### Reference 157 - 0.01% Coverage

free citizens of the colony.

As a result of the abolition of slavery in its colonies, the British Government decided to compensate all slave owners in the colonies. A sum of £ 20,000,000 was thus voted. Most of the beneficiaries were British investors in the Caribbean. Mauritius however was the only colony where the most important beneficiaries were the descendants of French colons and owners of sugar estates and businesses. A sum of £ 2,112,642 was received as compensation for the loss of 67,500 slaves in Mauritius. Slaves received nothing for the loss of freedom and for having performed unpaid labour for centuries.

No action plan was put

#### Reference 158 - 0.01% Coverage

payable to descendants of slaves.

5. ROC by Gaëtan Jacquette This was a well-knit memorandum where the author recalls the treatment meted out to the slave population during the whole French and British occupation and the circumstances of their being laid off after the abolition of slavery from the sugar estates. Given the distressed situation of the Creoles, descendants of former slaves, and having suffered all kinds of prejudice from the early days of slavery to the present day, the author recommends:

Truth and Justice Commission 384

#### Reference 159 - 0.01% Coverage

the lot of their children.

2. The setting up of housing estates while providing a descent lodging to most Creoles have over the years become the haunt of drug addicts and prostitutes.

3. The different deponents have

#### Reference 160 - 0.01% Coverage

to discrimination and overt racism.

3. Creoles who live in housing estates live in an environment which is not conducive to promotion. They believe that the future will always be bleak and have lost confidence not only in the authorities but in their own ability to improve their lot.

4. Housing estates which have been put up since the past decades and following massive destruction of houses by a series of unprecedented cyclones in the 60's and 70's last century, have turned out to be vicious places where alcoholism, drug trafficking, prostitution and other social ills have become features of everyday life

5. The task set before

#### Reference 161 - 0.01% Coverage

and an exhibition space created.

□ The National Heritage Fund to locate all sugar estates using slave labour from 1815 to 1835 and a memorial plaque placed outside each of them with all slave names found from the 1826 and 1835 registers.

□ Memory to Pedro Coutoupa, maroon

#### Reference 162 - 0.01% Coverage

such as LMHTF and NMCAC.

□ A Monument to illegal slave trading on Bel Ombre Sugar Estate at the cost of the sugar estate.

□ A monument to be erected

#### Reference 163 - 0.01% Coverage

envisaged in the Balogh Report.

98. A Junior Savings Account to be opened by every parent for all children under 18 in every cite or housing estate or poverty pockets to give them a head start in life when they graduate from college or university.

□ The starting sum to be decided by the Implementation Arm of the Commission and funded by all business enterprises, sugar estate owners, all IRS and ERS owners and from EU money given to Sugar Industry and for gender-related activities.

□ Parents should contribute, and accounts

#### Reference 164 - 0.01% Coverage

run on a sound basis.

114. To provide assistance to residents of housing estates by the recruitment of a new class of psycho-sociologists and social workers

□ and in such other areas

#### Reference 165 - 0.01% Coverage

recognize voluntary work as worthwhile.

□ Often linked with charity work, social work and psychological and sociological support are essential elements to bring about a new mind-set in people living in housing estates and in similar milieux. Voluntary work should be encouraged among Mauritian citizens, and especially among young people.

116. 117. 118. Establishment of

#### Reference 166 - 0.01% Coverage

education, environmental and human rights;

□ Regarding housing estates, put up by the C.H.A where 19,400 householders reside - roughly 125,000 individuals - there exists a serious problem of overcrowding. For instance, a 3-room apartment can sometimes accommodate as many as 12 individuals. Besides, many of the housing estates do not provide amenities such as playgrounds, kindergarten and do not have any community hall. This is not conducive to the welfare of the young generation who tends to be idle and demotivated.

□ Certain housing estates (residences) have been constructed with asbestos, a substance known as a serious health hazard. Such houses should be pulled down on a phase by phase basis, and new apartments allocated to such residents.

THE COMMISSION RECOMMENDS:

154. A

#### Reference 167 - 0.01% Coverage

activities with the accompanying training.

158. social organisation □ The State should ensure that every child in the housing estate enjoys the right to a standard of living adequate for his/her physical, mental, spiritual, moral and social development.

□ It is the State's obligation

#### Reference 168 - 0.01% Coverage

Mauritian citizens.

159. housing conditions

□ The Commission recommends a full environmental and medical survey in Cité La Mivoie and other housing estates to ensure that incidences of ill-health and mortality in the Cités are not asbestos-related.

□ As a solution to the

#### Reference 169 - 0.01% Coverage

approaches of the Mauritian History.

□ That research into comparative analysis of slavery and indenture be accompanied by research highlighting their common historical fate in Mauritius, and their shared living and working conditions on the estates that resulted in common representations and practices.

□ That the shared popular culture

#### Reference 170 - 0.01% Coverage

#### TERRE PLANTERS THE COMMISSION FINDS:

- In the case of Bel Ombre and St. Felix sugar estates, the métayers have undergone severe emotional, psychological stress due to loss of land, to lack of understanding and ability to adapt to rapid and changing economic policies in their locality;
- They have not been provided

#### Reference 171 - 0.01% Coverage

of indentured labourers to Mauritius.

182. Reparation payments by Government and the St. Felix Sugar Estate, for moral damages, loss of historic rights and loss of income on the part of métayers.

For the original Riche Terre

#### Reference 172 - 0.01% Coverage

#### AND ARCHIVING THE COMMISSION FINDS:

□ The Commission has observed that affidavits have been sworn by witnesses who do not know the deceased person and the persons who are entitled to apprehend the estate and succession of the deceased person. These persons are called "professional witnesses" and swear affidavits upon payment of a sum of money. These persons are found lurking near the officers of Attorneys and Notaries and offer their services whenever needed. It has also been observed that some affidavits have been drawn up without verifying the Civil Status Acts. The dates of deaths are inaccurate and the numbers of the Civil Status Acts are fictitious. However, due to the new Rules and Regulations made by the Conservator of Mortgages, the affidavits drawn up, sworn and transcribed nowadays are accurate, well-drafted and contain precise information.

- It is a matter of

#### Reference 173 - 0.01% Coverage

de la Memoire 9 (2006).

Douglas Hall: The flight from the estates reconsidered: The British West Indies, 1838-42. The Journal of Caribbean History, Vols. 10 and 11, 1978.

Haudrère, Philippe, and G Le

#### Reference 174 - 0.01% Coverage

21, No.1, April 1978.

18 Douglas, Hall. 'The flight from the estates reconsidered: The British West Indies, 1838-42'. The Journal of Caribbean History, Vols. 10 and 11, 1978.

19 Marina, Carter. The transition

#### Reference 175 - 0.01% Coverage

rearing livestock for their families.

288 PRO: CO 167/283, Gomm to Grey, dt. 11 June 1847. 289 OIOC: L/PJ/6/79, File No 1285/1882. 290 Report of H.N.D. 7 June 1869 in PP C.151/1870. 291 Deposition of Manilal Doctor, Report of Royal Commission 1909, Pt II, Appendix B, pp.157-165. 292 Amit Mishra, Regulating the marriages among the indentured labourers and their descendants in Mauritius, p.32. 293 Ordinance 1908 - The Labour Law Amendment Ordinance 294 MNA: B2/IR Report of Mitchell on Wolmar estate/1872. 295 MNA: RA 561, letters concerning indenture Dr Steward to George F. Dick 14th Jan. 1837 "... A certain number of coolies on board the Letter from Rowlandson

#### Reference 176 - 0.01% Coverage

some information from his manuscript.

337 For fuller account, see Vol 3 and 4. 338 The informants often describe them as "lakaz lapaille" in their interviews. 339 See interview 09/383/01 for example. 340 See interview 09/112/0 for example. 341 See interview 09/449/01 for example. 342 See interview 09/52/01 for example. 343 See interview 09/149/01 for example. 344 Interview 09/160/01. 345 I am referring to the "ad hoc" committees convened in 1978 and 1982 to investigate the condition of housing and amenities in estate camps (cited in Manrakhan 1983:121-123).

346 Interview 09/278/01. 347 According to this report the dwellings of casual labourers were "either built by the management at some time in the past or built by the estate habitants, often with estate help. In many cases the management declined responsibility for the upkeep of such dwellings, on the grounds that the inhabitants were non-entitled and could leave if they wished".

348 The interviews also indicate

#### Reference 177 - 0.01% Coverage

only 5,908 were girls.

352 Benedict describes the family life of some wealthier small planters living in villages who derived a substantial proportion of their income from growing cane and were not required to sell their labour to make ends meet. According to Daniel North-Coombes (1987:9), however, a majority of small planters were not able to solely rely on this type of livelihood as their main source of income and worked as labourers on sugar estates at different times of the year.

353 According to the Balogh

#### Reference 178 - 0.01% Coverage

Balfour's account of it instead.

356 In one passage of his report, Balfour (1921:88) describes barefooted "Indian" children stranding on top of a manure heap on a sugar estate and watering it, making it very likely they would have contracted hookworm disease if they did not already have it.

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#### Reference 179 - 0.01% Coverage



## THE TRUTH AND JUSTICE COMMISSION

357 Despite spending several pages describing the history of the use of manure as a fertilizing agent on Mauritian sugar estates over the past one hundred years, North-Coombes (1993:76-82) only writes one line on the Engrais system and the use of human manure to cultivate cane plants. "[H]uman excreta", he says, "has ceased to be employed owing to the dissemination of Hook Worm". Andrew Balfour's (1921:87-88) report indicates the practice was very widespread at the time he visited Mauritius, which is why he singled out its discontinuation as one of the most important ways to combat the spread of hookworm disease, also pointing out that these conditions "probably have not their parallel in any other part of the world. The main industry in Mauritius is sugar cane cultivation. The cane requires fertiliser and as Victor Hugo said, possibly with some truth, "the most fertilising and effective of manures is human manure." Unfortunately in the tropics it is also the most dangerous. This fact was not recognised."

358 The ARLD of 1950 provides a comprehensive summary of living conditions in estate camps in Mauritius confirming many of the assertions made in this report (ARLD 1950:83-85).

359 See the amendment to

### Reference 180 - 0.01% Coverage

larger number of complaints made  
by sugar estate workers pertaining to the non-payment or under-payment of wages in the interviews.  
Names of sugar estates have been removed.

371 R. Chaudenson, Des Hommes

### Reference 181 - 0.01% Coverage

time and which have been  
To oust from possession, especially with regard to real estate; To excise;  
a complaint other than a

### Reference 182 - 0.01% Coverage

types of dispossessions as under :  
• family problems; • prescription; • professional negligence; • illegal occupation; • impersonation; • wrongly-drafted affidavits of succession; • misinterpretation of wills and testaments; and • sugar estates.  
There was also the need

### Reference 183 - 0.01% Coverage

of Housing and Lands.  
continued.

The Commission examined closely the cases on land dispossession from 1721 to 2011, conducted an in-depth study of Land Surveyors' reports, title deeds and deeds of concessions in order to clarify all inconsistencies with a view to better investigating and understanding the mechanism of dispossession. Extensive research was undertaken to analyse the dynamics of centralisation and mergers of the sugar estates and factories over the various eras.

Nevertheless, the setting up of

#### Reference 184 - 0.01% Coverage

Port Louis, Montagne Longue and

Pamplemousses slowly began to acquire some importance. Land grants were made in the area of Tombeau River. The early beneficiaries were Louis François Ferry, a merchant and a draper; Charles Millon, a Captain; François Perrault, Jean Capioux and Guillaume Dabadie. They were the first settlers to establish important estates like "Mon Plaisir", "Villebague", the "Forges de Mon Désir", "Mon Goust" and "Pignolet". Pierre de Roma, for instance, who was granted a plot of land in the District of Pamplemousses, formed a partnership with his neighbour, another settler and founded a company with his future mother-in-law, of the Pignolet family. Later on, they signed a contract under Labourdonnais' governorship to furnish wood planks for port activities. They were given each 25 slaves and a loan equivalent to 6,000 piastres and 40 heads of cattle to engage in cattle-rearing.

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#### Reference 185 - 0.01% Coverage

that the improvements made by

Labourdonnais and the prospect of a pleasant, pastoral life, unclouded by the imminence of duns, attracted considerable numbers of settlers from good French families, ruined by the collapse of the Mississippi Bank, and the credit edifice known as the System Law. These newcomers secured land in the interior of the island and settled down to live in seclusion on their estates, only visiting Port Louis for an occasional ball, a festival of the Church or when business compelled them to. They quickly formed a community apart, aloof and contemptuous of the rabble of petty officials, brokers and low-class adventurers who thronged the port and, thereby, laid the foundations of a social structure which has persisted to this day, with its characteristic snobberies.

Under Labourdonnais, their ranks were

#### Reference 186 - 0.01% Coverage

of that period.

##### PAMPLEMOUSSES DISTRICT

Jean Baptiste Ogendias, who obtained his land at Petit Bois, commonly known as The Mount, sold it to Antoine Drouët in 1771. In 1795, the estate representing two "grants" of an extent of 312 Arpents, under wheat and indigo cultivation, was purchased by Claude François Chastel. The latter erected thereon a sugar factory. In 1834, the factory was sold to Hunter, Arbuthnot & Company and was named "The Mount".

The Plessis Estate and La Grande Rosalie, which belonged to Mahé de Labourdonnais, were merged in 1743. In 1759, La Petite Rosalie, owned by Denius Morcy, was also merged. André Rufeveuille, who owned Nicolière or Albert Estate and California, sold his estate in 1741. In 1825, Armand Esnouf also sold Constance. The estate merged into Petite Rosalie in 1910. By 1947, all these estates were subsequently merged into Rosalie California. La Lucia Estate had also been merged into Antoinette in 1877. Antoinette or Belle Alliance, which had belonged to the Chevalier de Chermont in 1783, was merged into the Compagnie Sucrière d'Antoinette in 1939.

As early as 1745, the Beau Plan Estate also in the North had originated as a "fragment" of the "Forges de Mon Désir" establishment that was created primarily for the manufacture of iron, cast iron and gunpowder. The iron

#### Reference 187 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Of the estate's 4,524 Arpents, the new owner retained a portion of only 740 Arpents. As from 1775, this small area was named Beau Plan.

While in 1794, indigo was the main crop grown on the estate land, it was rapidly replaced by sugar cane. The land acquired by Beau Plan Sugar Estate Company was 448 Arpents, but the area increased during the period 1882 to 1961. In 1920, 175 Arpents were bought from Souvenir Estate. Subsequently, 400 Arpents were bought from Fair Fund in 1921, 275 Arpents from Vallombreuse Estate in 1941, 602 Arpents from Maison Blanche Estate in 1946, and 150 Arpents from Espérance Estate in 1961. Later on, during that same year, 77 more Arpents were bought from Mon Goût Estate.

##### RIVIÈRE DU REMPART DISTRICT

Arriving

#### Reference 188 - 0.01% Coverage

Estate.

##### RIVIÈRE DU REMPART DISTRICT

Arriving from Saint-Omer, France, Jérôme Pilot, obtained a "concession" at Rivière-du-Rempart in 1774 to create what is known today as Mon Loisir. The land granted was situated in the middle of an estate of 875 Arpents, on which land his heirs built the Mon Loisir factory in 1820. The factory was made of "wood and not stone." Apart from human labour, donkeys and oxen were also used. Over the years, subsequent land purchases and several centralization processes transformed this sugar cultivation area into a very large estate. The most important land acquisition was that of Beau Séjour in 1947, with a centralized sugar factory at Mon Loisir.

##### SAVANNE DISTRICT

Following the same

#### Reference 189 - 0.01% Coverage

at Mon Loisir.

##### SAVANNE DISTRICT

Following the same trend, Bel Ombre had started its development in 1765, the year in which a "concession" of 2,200 Arpents was granted to Simon Remirac and Claude de La Roche du Ronzet. The factory was built around 1807 by Calixte de Chantoiseau who, in turn, sold it to Charles Telfair in 1816. Telfair sold part of the estate to Blancard, Waugh and Lesage, but kept an interest in the business until his death in 1833, by which time, through mergers and acquisition, the estate reached an extent of 5,000 Arpents. The heirs of Charles Telfair had, in the meantime, sold their shares to Gaston d'Emmerez de Charmoy.

In 1823, the Bel Ombre Sugar Estate Company was created to purchase Bel Ombre, Beau Champ and Sainte-Marie.

These two estates belonged to Arthur Lucas. The new company, thus, became the owner of a larger estate which extended over 8,233 Arpents. Three years later, the company was dissolved as it became the property of Belouguet and Monville. Beau Champ was taken over by Simeon, Paul and Auguste Eynaud, while Sainte Marie became the property of Jules Rampal. In 1886, the Government bought some 2,175 Arpents of Bel Ombre forest.

On 3rd May 1910, A. Wilson, Eugène de Rosnay, Edouard Rouillard, Emile Sauzier and Oscar Pilot formed the "Compagnie de Bel Ombre Limitée" and bought Bel Ombre, Beau Champ and SainteMarie for the sum of Rs. 747,000. In 1914, the Company also bought Frédérica Estate and, in 1934, Bon Courage Estate. The same Company purchased Case Noyale of an extent of 7, 600 Arpents for Rs. 3,2 millions in 1961, the entire Company passed under the control of the "South West Tourism Development Company", a subsidiary of the Rogers Group of Companies, in 1971.

A series of mergers of

#### Reference 190 - 0.01% Coverage

over several years. FLACQ DISTRICT

The estate on which the Flacq United Estates Limited stands was acquired early in 1816, when Pierre Régnard bought from Jean Auguste Lacroix a plot of land to the extent of 280 Arpents which

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#### Reference 191 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

was previously a "concession" of Jacques Poivre. By 1827, there already existed a sugar plantation in the area which was sold to Frederick Berthelot. At that time, the estate was known as Montalieu. After a series of mergers, the estate increased in capacity and volume. The first merger was made in 1836 by the then owner, Victor Lanougarède.

In 1948, the last mergers were made through the acquisition of Sans Souci and Victoria. These two factories, however, continued to crush canes until they closed down in 1949 and 1954 respectively. On the occasion of the merger of Union or Union Flacq in 1948, the estate was completely reorganised. The Flacq United Estates Limited, the largest sugar entity on the island, founded by Fernand Leclézio, carried its sugar milling activities up to 5th December 1995, when it was taken over by the Flacq United Estates Sugar Milling Company.

The company continued its expansion until 1968, when it took over Médine Sugar Estates Company Limited.

##### WEST EAST MERGERS

In 1968

#### Reference 192 - 0.01% Coverage

Company Limited.

##### WEST EAST MERGERS

In 1968, Médine was the second largest sugar estate of the island, producing more than 20% of the total sugar output of Mauritius. In 1969, another company, the West East Limited, was created with a view to coordinating the activities of Flacq United Estates Limited and Médine, and to financing their own development. West East Limited purchased the Trianon Estate Limited in 1970.

Rapid progress ensued in many

#### Reference 193 - 0.01% Coverage

landmarks in the Tourism Industry.

The estate, known as the Réunion Sugar Estate, is the property of the Médine Sugar Estate and Réunion Limited, commonly known as Société Reufac. Following centralization, the estate, situated on the Southern outskirts of the town of Vacoas, consisting of Tamarind, Trianon, Henrietta and Réunion proper. Flacq United Estates Limited, invested in two new subsidiaries, Flacq United Estates Steam and Power Generation Company and Agronat Ltée. The estate's power station, operational since 1994, supplies some 78.3 GWh of electricity on the national grid. With the installation, in 1998, of an additional 100 tonnes bagasse/coal boiler and of an 18.8 megawatt condensing/pass out turbo alternator, it boosted up power generation capacity to some 160 GWh. In 1999, West East Limited disinvested, significantly, in Rogers Group and increased its stake in New Mauritius Hotels to 14.5%. During the same year, West East Limited invested Rs. 133.35 millions in Companhia de Sena SARL, a Mozambican Company, which now owns the Sena Sugar Estates.

More sugar factories were founded in the East and the centre of the island in the early 1800s. The Constance Sugar Estate, established in the District of Flacq, was bought by Thomy d'Arifat on 7th August 1844. It is the heirs of the latter who set up the company, The Constance - La Gaieté Sugar Estate Company Limited, in 1882. The estate was, subsequently, extended by the acquisition of adjoining lands. If the Company diversified in normal agricultural activities, for example, by producing ground nuts, garlic, ginger, maize, tobacco, it added other aquaculture activities like oyster culture, pisciculture and "camaron" (shrimp) culture. It also tried its luck in Tourism with the creation of the Belle Mare Plage Hotel.

Today, a new company, the

#### Reference 194 - 0.01% Coverage

also scheduled.

#### GRAND PORT DISTRICT

In 1834, 325 Arpents were conceded to Jérôme Jean de Rochecouste and Donald de Rochecouste to create the Compagnie de Beau Vallon which regrouped Beau Vallon and Riche-en-Eau, two of the oldest sugar estates in the South of the island. They cultivated the 325 Arpents of sugar cane which was crushed in a three-roller mill, driven by a hydraulic wheel, through iron pinions and gears. The factory had only one building with stone walls and a straw roof. Riche-en-Eau was conceded in 1853 to Gabriel Alexandre Gaston de Bissy and was running practically on the same lines as Beau Vallon. The Beau Vallon factory closed down in 1959, when all the sugar cane of both estates was sent to Riche-en-Eau. This factory had been enlarged and modernised.

The factory set up at

#### Reference 195 - 0.01% Coverage

Bras during the following year.

The Mon Désert Estate, originally situated on the "concession Mon Désert", was granted to Jeanne Gallet, at Saint-Pierre, in 1747, under the French Governor David. The land was, subsequently, purchased in 1827 by Martial Noël who increased the acreage of 220 Arpents, bringing it to some 880 Arpents at the time of his death in 1869. The present Mon Désert Alma factory was created in 1947, after

the merger of the Alma

#### Reference 196 - 0.01% Coverage

place which added to the

increasing size of the estate: Beau Bois closed down in 1875, Helvetia in 1882, L'Agrément in 1885, Minissy in 1917, La Laura in 1922 and Alma in 1947.

Rose-Belle Sugar Estate which bears the name of the locality, was built in 1855 by G. Rochery. Like the other 259 small mills producing 130,000 tonnes of sugar, the output of Rose Belle Sugar Factory amounted, in those days, to some 500 tonnes. The railways had just been inaugurated on the island and the factory was thus advantageously situated at the important junction of the Grand Port and Savanne lines and on the Mahébourg main road.

During practically a hundred years that followed its foundation, the factory area of Rose Belle Sugar Estate increased considerably through mergers. The adjoining estate of Hangar closed down in 1858 and was taken up by the Rose-Belle Sugar Estate. The same trend happened: Mare d'Albert and New Grove in 1884, Astroea (1885), Cluny (1886), Eau Bleue in 1889, Union Park in 1905 and Le Val in 1943.

The Government of Mauritius purchased

#### Reference 197 - 0.01% Coverage

ever State-owned sugar concern.

These settlements in the vicinity of the estates later became the present towns and villages of Mauritius.

The Pamplemousses District was among the first districts to be settled in the French period. By 1832, some 10,231 slaves lived in this district, mostly on large plantations. In the vicinity of each estate, the slaves settled in camps away from the owners of the estate house. These slave camps were made up of small huts made of straw. Between 400 and 500 slaves or more lived and worked on estates like Mont Choisy, founded and owned by Charles Millien in 1827.

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#### Reference 198 - 0.01% Coverage

##### HOW DISPOSSESSION HAS TAKEN PLACE

In pursuance of its mandate, the Truth and Justice Commission has been concerned with dispossession of land and real estate. Dispossession has taken place in many ways as specified below:

##### I. NON-PAYMENT OF THE

#### Reference 199 - 0.01% Coverage

##### BY THE HEIRS AND SUCCESSORS

In some cases, the Commission has observed that the owners and/or heirs and successors have not occupied their lands over a long period of time. This may be due to financial constraints, lack of interest among the heirs or inability to occupy or maintain the plantation. The owners have not abided by the terms and conditions mentioned in the deed of "concession", as a result of which the land was taken back by

Government. Leaving the land unoccupied and idle has led the neighbouring owners, more especially the sugar estates, to step in and occupy those lands.

### III. FALSE AND INACCURATE AFFIDAVITS

#### Reference 200 - 0.01% Coverage

##### LACK OF ACCESS TO PROPERTY

Many complaints have been made by individuals to the effect that, although they hold proper title deeds title deeds, they have been unable to occupy their lands. These are often found in remote areas and are surrounded by Sugar Estate. Access to lands in some instances has been blocked by neighbouring landowners, thereby preventing the rightful owners of access to their lands which have been occupied by Sugar Estates.

##### VII. LACK OF PROFESSIONALISM

During

#### Reference 201 - 0.01% Coverage

Council, consisted of 3 types:

• • •

Terrain Simple (simple holding) translation please or Petite Habitation (small estate) covering up to 156 arpents 25 perches; conversion please

Terrain Double (two-fold holdings) or Moyenne Habitation (medium-sized estate) of 312 arpents 50 perches;

Terrain Quadruple (four-fold holdings) or Grande Habitation (large estates) of 625 arpents.

Two conditions inter alia were

#### Reference 202 - 0.01% Coverage

the land within 3 years.

These grants of large estates obviously accounted for the large number of sugar factories in the early times, each owner of a large area having his own factory to process his own crop. Due to economic reasons, the sugar plantations started to merge and consolidate with one another or to be parcelled out and sold to sugar labourers. As a result of those estates merging and being parcelled out, there are today (2011) only seven sugar estates, with large factories and a large number of sugar plantations.

##### THE LAND TRIBUNAL (TRIBUNAL TERRIER

#### Reference 203 - 0.01% Coverage

were authorized to remove documents.

D'Unienville himself depleted the archives and took away many documents to his sugar estate in the South of the island. At the death of D'Unienville, the post was abolished and from 1833 to 1873, the title was not borne by anybody.

On the 31st January 1874

#### Reference 204 - 0.01% Coverage

AND THE REGISTRATION OF DEEDS  
DELIMITATION OF DISTRICT BOUNDARIES; APPOINTMENT OF CURATOR OF VACANT ESTATES  
PROCLAMATION ABOUT LEGAL PROCEDURES ON

#### Reference 205 - 0.01% Coverage

It is divided into the

• Pas Géométriques, reserves, proclaimed villages, former War Department lands----7.9% • Crown Forest  
lands-----73% • Former Railway lands-----  
----- 0.8% • Other Crown Lands, including State-  
owned Rose-Belle Sugar Estate-----15.8% • Islets-----

Crown Forest Lands can be

#### Reference 206 - 0.01% Coverage

products. In the long term,  
they would be encouraged to join forces and to associate with other 'habitants' to progress towards bigger  
estates and plantations. Land that were conceded not profitable was retrieved from the 'habitant' without  
compensation and annexed to the company's domain and, subsequently, reallocated to other settlers or  
sold to the highest bidders.

The Company would then target

#### Reference 207 - 0.01% Coverage

European settlers and encourage the  
production of the foodstuffs, naval stores, and other commodities needed to support the French political  
and naval presence in the Indian Ocean. Following the advent of royal rule in 1767, the Colonial Government  
continued this policy until the late 1780s when it began to sell public land, usually at a very reasonable price,  
to the colony's inhabitants. The properties, granted or sold to French and other European colonists during  
the eighteenth century, provided the nucleus around which many of the colony's sugar estates were  
subsequently built during the early nineteenth century. However, Europeans were not the only Mauritian  
residents to acquire landed property. Significant numbers of the colony's residents of African and Asian  
origin or descent also purchased, or otherwise acquired access to or use of land during the eighteenth,  
nineteenth, and twentieth centuries. Their ability to do so similarly played an important role in shaping the  
course of the country's social and economic history.

FREE PERSONS OF COLOUR

The

#### Reference 208 - 0.01% Coverage



## REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

be sold by the Colonial Government in the early 1790s. No more than 17 percent of all such sales between 1807 and 1810, for example, were made to free persons of colour. The arpentage in free coloured hands remained even less than these percentages might otherwise suggest. In 1788, Gens de couleur owned a mere 3.5 percent of all inventoried land in the colony; in 1806, after almost forty years of actively acquiring real estate, free persons of colour held only 7.1 percent of all inventoried land (see Table 1). The size and location of these grants and sales underscore the fact that Mauritian Gens de couleur possessed only limited economic resources at the beginning of the nineteenth century. More than four-fifths of the properties in question encompassed less than one arpent. Approximately two-thirds of these properties were located in Port Louis or Mahébourg where most of these terrains covered no more than several hundred toises, an area large enough only for the erection of a house, workshop or store and the planting of a modest garden. Mauritian Gens de couleur also

### Reference 209 - 0.01% Coverage

vol. 1, pp. 52-227.

The Notarial records reveal that free persons of colour first purchased houses and occasional plots of land on their own account no later than the late 1740s. A sample of 543 transactions drawn from the acts of six notaries active between 1737 and 1820 indicates that free coloured involvement in the local real estate market remained rather limited until the 1790s. A substantial majority of the property transfers recorded before 1780 involved the sale of small houses (cases) and out-buildings such as kitchens and sheds which were frequently situated on public land (terrain non-concédé) in Port Louis. While some of the buildings changing hands had been in their owner's possession for years, others were clearly regarded as investments to be bought and then sold quickly if a reasonable profit could be made on the sale. Both Whites and Gens de couleur dealt in these structures. Between 1748 and 1779, for example, five notaries documented seven sales in which

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### Reference 210 - 0.01% Coverage

sold buildings to white colonists.

While Gens de couleur occasionally purchased land on their own account during the mid-eighteenth century, the real beginnings of free coloured involvement in the local real estate market date to the 1770s. The notarial records indicate that the pattern of these private transactions was much the same as it had been for their acquisition of public land; transactions involving small plots in the colony's urban centres, and especially Port Louis, outnumbered those involving larger tracts in the rural districts by a substantial margin. This activity continued on a rather modest scale until the 1790s, when the number of private transactions involving free persons of colour began to increase dramatically. This increase is not unexpected; between

### Reference 211 - 0.01% Coverage

and 1806, the free coloured

population tripled in size. However, population growth was not the only factor that contributed to this development. The notarial records indicate that growing numbers of Gens de couleur ventured into the

local real estate market because they possessed the capital resources to do so. The increasing regularity with which these men and women paid the full purchase price for land at the time of a sale's formal completion suggests more specifically that, especially after the 1780s, more and more Gens de couleur controlled greater economic resources and enjoyed a certain degree of financial independence.

Gens de couleur obtained the

#### Reference 212 - 0.01% Coverage

Gens de couleur borrowed money.

Free persons of colour, accordingly, looked elsewhere for the capital they needed to participate in the local real estate market. Those who already owned land, houses, or slaves drew on the profits that could be made from the sale of unwanted property. Certain kinds of employment could be very remunerative for those fortunate enough to obtain it. Vivien de Carmasson, for example, agreed

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#### Reference 213 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

that Baptiste, noir malabar libre, would receive one-half of his estate's produce in return for managing the estate.<sup>13</sup> Rents were another important source of income for individuals such as Marie Louise Eléonore Volatsara, négresse libre de l'isle de Madagascar, who acknowledged receipt, on 28 January 1786, of 8,830 livres from Sieur Delaux Verogue on the Ile de Bourbon for the use of her slaves.<sup>14</sup> As the numerous land grants and sales to members of the Pitcha or Pitchen family between 1774 and 1807 attest, Gens de couleur also drew on familial financial resources or capitalized on quasi-familial ties to secure the funds they needed.

While cases such as these

#### Reference 214 - 0.01% Coverage

percent of all such land,

compared to 9.1 percent in 1809. These changes were linked closely to the development of the sugar industry. The transformation of white-owned estates into sugar plantations, especially after the 1825 equalization of the tariff on Mauritian and West Indian sugar entering Britain revolutionized the sugar industry, offered Gens de couleur an opportunity to become increasingly important as producers of basic foodstuffs needed in the colony. The only production figures we have from this era provide some sense of how important this activity had become by the late 1820s. In 1829, free coloured agriculturalists produced 36 percent of the island's maize, 23 percent of its potatoes, 19 percent of its manioc, 10 percent of its wheat, and 19.5 percent of its garden produce and miscellaneous grocery items.<sup>19</sup> Gens de couleur also began to grow sugar cane; in 1825, they accounted for 4.1 percent of all land planted in cane, a figure that rose to 7.5 percent in 1830.<sup>20</sup>

By 1830, the last year

#### Reference 215 - 0.01% Coverage

the late 1830s and 1840s.

Contemporary sources indicate that the great majority of the colony's new freedmen left the estates on which they had lived and worked immediately after the end of the apprenticeship system. Surveyor General Captain J.A. Lloyd, for one, distinguished four "classes" of ex-apprentices in 1840: those wandering from one part of the island to another with no settled place of residence, those residing in Port Louis or Mahébourg and along the island's roads, those squatting on public lands near the seashore, and those who had migrated to the colony's lesser dependencies.<sup>21</sup> Census data reveal that the propensity before 1839 for apprentices or freedmen to gravitate to Port Louis soon gave way to a movement away from Port Louis and heavily cultivated districts such as Pamplemousses and Rivière du Rempart to less developed districts on the island. According to the commissioners who conducted the 1851 census, their reason for doing so

#### Reference 216 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

informed Armand Hugnin, Civil Commissioner for Plaines Wilhems, that ex-apprentices formerly in his service were living on small properties, some of which were near his own estate.<sup>23</sup> Two weeks later, William Saunders advised Hugnin not only that large numbers of ex-apprentices were settling near Vacoas, but also that several apprentices in his service now resided on a nearby property without the owner's consent.<sup>24</sup> These various reports indicate that

#### Reference 217 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

cases, the terrain plus considérable covered an arpent or less. In still other instances, these plots came from large and well established estates such as 'Mon Repos' in Plaines Wilhems, 'Minissy' in Moka, and 'St. Félix' in Savanne. 'Minissy' covered 650 arpents in 1837 while 'St. Félix' contained 496 arpents in 1831.<sup>32</sup> The subdivision of established estates and other properties that began in 1839 heralded the beginning of what has been characterized as the petit morcellement.<sup>33</sup> Unfortunately, the archival records contain few official references to

#### Reference 218 - 0.01% Coverage

1845, when the colony's Civil Commissioners and Stipendiary Magistrates were asked to report on landownership and other aspects of ex-apprentice life, most reports echoed that of South Pamplemousses' Stipendiary Magistrate, Peter Heyliger, who declared simply that "Settlements of half an acre, to two and three, have in almost every part of the District been made, and that at high prices."<sup>34</sup> Only Moka's Civil Commissioner, Denis Beaugendre, noted that some of these plots had been acquired as a result of estate morcellement.<sup>35</sup> Just two officials reported on the

#### Reference 219 - 0.01% Coverage

with very few exceptions [...]"<sup>37</sup>

Notaries were also keenly aware of these developments. The late 1830s and early 1840s witnessed a veritable explosion in the number of land sales being handled by their offices, many of which involved the subdivision of estates and other large properties. A sample of

#### Reference 220 - 0.01% Coverage

sample of more than 900

transactions drawn from the acts of four notaries active at this time indicates that while the largescale subdivision of properties that characterized the petit morcellement did not begin before late 1838, some proprietors were contemplating such activity several years prior to the end of the apprenticeship system. Mme. Jeanne Françoise Sollied, for example, started to sell off portions of a seventy-two-arpent estate in Pamplémousses late in 1836, with the first two plots being purchased by Hypolite Le Bon dit St. Aulaire and Charles Agathe, both of whom were probably Gens de couleur.<sup>38</sup> As the end of the apprenticeship system approached, the subdivision of properties began in earnest as estate owners, such as Mme. Eugène Giblot Ducray; started to sell off one- and two-arpent plots from a 104-arpent property she owned in Plaines Wilhems in October 1838.<sup>39</sup> The scale of this activity increased dramatically after April 1839.

The notarial records indicate that

#### Reference 221 - 0.01% Coverage

intermittent and modest in scale.

Although the notarial records are silent about why estate owners decided to subdivide their properties, it is clear that

#### Reference 222 - 0.01% Coverage

buying was to be found.

This propensity of Mauritian ex-apprentices to reside in the general vicinity of the small properties they purchased is not unexpected. Post-emancipation Caribbean history is replete with examples of former apprentices who, despite an intense desire to dissociate themselves from all vestiges of their former condition, nevertheless continued to live in relatively close proximity to the estates on which they had once labored. Their reasons for doing so are not difficult to discern. Complex webs of social, economic, and psychological ties that had been created over the years were not easily or readily dismantled. Moreover, many estates included large areas of uncleared or unused arpentage, precisely the kind of land that estate-owners were inclined to sell and former apprentices were inclined to acquire, especially if they had lived on or near the land in question.

The ability of ex-apprentices

#### Reference 223 - 0.01% Coverage

a year before subdivision began.

The financial incentives to subdivide an estate or other property could be considerable. Returns of 100 to 200 percent on original investments were common for both large and small landowners who engaged in

morcellement activity. M. and Mme. Pierre Leclos, for example, realized \$2,506 between mid-1840 and early 1847 from the sale of 42.5 of the 62 arpents they purchased in October 1838 for \$1,000. The demand for land by ex-apprentices and others and the financial rewards for satisfying that demand often encouraged further subdivisions of the small plots created by the morcellement process. Emile Zéphir's activities are a representative case in point. On 18 May 1841 Zéphir paid \$125 to M. and Mme. Eugène Dombreu for a five-arpent tract from the terrain plus considérable the Dombreus had started to subdivide earlier that same year. The following year, Zéphir sold four of the five arpents in question for a total of \$250. This process of submorcellement often continued still further. On 25 May 1841, Fidale Robin purchased 3.5 arpents from the Dombreus for \$140 cash.<sup>49</sup> The following January, he sold 1.5 arpents from this tract to Mlle. Phrasie Ariotte, who paid \$50 down toward the purchase price of \$75.50 Two and a half months later, Mlle. Ariotte sold two portions (each encompassing one-half arpent) of this 1.5 tract to Benjamin Moujava and Mlle. Geneviève Félix, each of whom paid \$32.50 for their half-arpent.<sup>51</sup>

The colony's ex-apprentices were

#### Reference 224 - 0.01% Coverage

actively in the petit morcellement.

Indian immigrant involvement in the local real estate market increased noticeably beginning in late 1847 and 1848 as many of the first wave of post-1842 immigrants completed their industrial residence, acquired Old Immigrant status, and left the sugar estates to earn their living in business, commerce, domestic service, and other forms of employment.

The notarial records reveal that

#### Reference 225 - 0.01% Coverage

The notarial records reveal that

these individuals continued to purchase small plots of land, usually encompassing less than two arpents, at a sustained but modest rate during the 1840s, 1850s, and early 1860s. The various natural disasters that befell the island during the mid-1860s, especially the malaria epidemic of 1867-68, slowed this process, but by the early 1870s, Old Immigrants were not only actively purchasing land once again, but also doing so in numbers that heralded the advent of what has become known as the grand morcellement of estates and properties that continued well into the early twentieth century.

The notarial records indicate that the grand morcellement continued the process of estate and property subdivision that began during the petit morcellement. Although the petit morcellement came to an end by 1850, properties continued to be subdivided and sold, albeit on a much smaller scale than before, during the 1850s and early 1860s. The notaries Adolphe Macquet and Elisé Liénard, for example, recorded the subdivision during the 1850s of at least nine properties ranging from six to 140 arpents in size. The late 1850s and early 1860s witnessed an increase in this activity. Macquet and his colleague, Laurent Raoul, for instance, facilitated the subdivision of fourteen properties in various parts of the island between 1860 and 1865. Many of these properties, like those subdivided during the 1850s, tended to be rather modest; half of the tracts in question contained fewer than ten arpents, with the largest covering seventy-eight arpents.

As

the

circumstances surrounding the subdivision

#### Reference 226 - 0.02% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The grand morcellement began circa 1875. The notarial records reveal that Indian immigrants were actively involved in this process, not only as purchasers of the plots in question, but also as de facto agents for Franco-Mauritian estate owners and as large landowners in their own right. The notarial records, likewise, attest that careful thought and planning went into the subdivision of these properties. When Seewoodharry Bhaguth, an Old Immigrant who arrived in the colony in 1855, purchased a 312-arpent tract from Augustin Perrier in 1875, for example, he declared his intention of subdividing the land in question. Perrier agreed on condition that the land had to be sold for at least \$50 an arpent.<sup>58</sup> The sale of large properties to other Indian entrepreneurs at this time frequently contained similar declarations and terms.

The morcellement process steadily gained momentum during the 1880s and early 1890s. As early as 1881, the increasing number of transactions involving Indians led the Director of the Colonial Government's Registration and Mortgage Department to observe that his staff was having difficulty keeping up with the requisite paperwork; two years later, he reported that the increasing number of property transfers in which Indians were involved "will make it impossible for the present staff to keep up the work."<sup>59</sup> By 1895, the scale of this activity was such that Acting Governor C.A. King Harman not only characterized its increasing pace as "inevitable," but also noted that the colony's sugar factories were being improved to handle the canes produced by the growing number of Indian small planters.<sup>60</sup> In 1897, the President of the Chamber of Agriculture acknowledged that the parceling out of estates was proceeding on a large scale, an observation supported by a Protector of Immigrants' report that Indians had added 23,243 arpents worth more than Rs. 4,600,000 to their holdings between 1894 and 1896.<sup>61</sup>

The extent of this activity is also attested to by the rapidly increasing value of the real property acquired by Indian immigrants and their Indo-Mauritian descendants. Indian/Indo-Mauritian investment in land skyrocketed during and after the late 1880s and early 1890s; between 1888 and 1894, immigrants spent Rs. 8,519,676 for land, or almost 60 per cent more than the Rs. 5,342,760 that they had spent on similar purchases between 1864 and 1887. Indian involvement in the local real estate market continued to increase as the nineteenth century drew to a close; between 1895 and 1900, immigrants and their descendants invested another Rs. 10,297,509 in land. The advent of a new century witnessed immigrants and Indo-Mauritians continuing to invest significant sums in land well into the 1920s (see Table 2).

Census data confirm these trends

#### Reference 227 - 0.01% Coverage

immigrants identified as "gardeners" also

swelled, from 7,513 in 1871 to 10,014 in 1881. The 1891 Census noted specifically that the 8,822 Indian gardeners enumerated that year were "very frequently landowners."<sup>62</sup> Other reports, likewise, highlight the ever increasing amount of land in immigrant and Indo-Mauritian hands. Indian smallholders had 27,928 arpents planted in cane in 1910, or approximately one-fifth of the area devoted to sugar cultivation. By 1920, Indian smallholders and estate-owners had 54,000 arpents in cane compared to 35,480 arpents just six years earlier.

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#### Reference 228 - 0.01% Coverage

1860s, 1870s, and 1880s.<sup>68</sup>

In other instances, the financing of these purchases depended on immigrants' ability to secure loans from local planters, financial institutions, and Indian businessmen who had established themselves in the colony. The extent to which planters underwrote such ventures is difficult to determine, but individual estate owners, such as André Bougault du Coudray, were not averse to doing so. On 9 January 1877, for instance, du Coudray loaned \$4,000 to Indur, no. 203,901, a peddler, and his wife, Downtutea, no. 188,248, so they could pay off the balance due on fifteen arpents they had purchased a day earlier.<sup>69</sup> Seven years later, Soobanah, no. 290,024, persuaded The Mauritius Fire Insurance Company to loan him Rs. 40,000 for various purposes. The following year, Soobanah and his partner, Adey Reddy, secured the loan of an additional Rs. 26,000 from Henry Smith, a Plaines Wilhems landowner.<sup>70</sup> In other instances, Indian businessmen were the source of needed capital.

In an early example of

#### Reference 229 - 0.01% Coverage

on 24 July 1835 Annassamy, négociant indien, acknowledged receiving a loan of \$20,000 from Rama Tiramoudy, with whom he shared ownership of "Bon Espoir" Estate in Rivière du Rempart.<sup>71</sup> Other Indian merchants subsequently demonstrated that they possessed the capital resources that permitted them to make loans if they chose to do so. Early in 1860, for example, Mylapoor Moonisamy, a merchant and landowner who resided in Port-Louis, loaned \$12,000 to Jean François Chavrimoutou and Tatouvon Maniacara to cover their sugar estate production costs; later that year, Moonisamy advanced another \$6,000 to Chavrimoutou for the same purpose.<sup>72</sup> Fifteen years later, Essack Mamode, a Port-Louis merchant, would advance \$18,400 to four Indian entrepreneurs already involved, or soon to be in estate morcellement.<sup>73</sup>

LAND OWNERSHIP IN CONTEXT AND

#### Reference 230 - 0.01% Coverage

descendants followed in their footsteps.

These sources demonstrate the ability of Gens de couleur libres, ex-apprentices, and Old Immigrants to participate actively in the local real estate market depended on various factors: the talents, abilities, and initiative of individual men and women; the ability of these individuals to acquire, or generate the money needed to purchase or

lease, land; the development and

#### Reference 231 - 0.01% Coverage

that the settlement of Indian

immigrants, who worked as labourers in Mauritius, has given rise to the class of small planters, known initially as 'Indian small planters'. The Wilberforce Report in 1913 indicated that there were around 7,500 Indian farmers and 19,720 independent planters. This was made possible through the parcelling of estate lands during the petit and grand morcellement systems. Through savings, purchasing land, cultivation of crops, some small planters even moved away from estates to towns and villages to settle down and have an independent life. As a result, at present, Mauritius has a total of 19,228 planters, out of whom more than 70% belong to the class of small planters. Thus, a majority of Mauritian planters are from the group of 'small planters'.

According to the MSIRI Report

#### Reference 232 - 0.01% Coverage

Royal Commissioners in 1909 reported:

"Estate owners, unable in times of increasing competition to make their estates pay, when carried on the old lines, and unable or unwilling to modernise their methods and appliances, divided up the whole or portions of their land into small planters and offered them for sale, generally allowing payment by instalments. These small holdings have been taken up almost entirely by Indian Immigrants and their descendants. The total area cultivated in canes by small holders is estimated at about 40,000 acres or 30 per cent of the total area under sugar in 1909. The total area under sugar cultivation in 1909 held by Indians was about 56,025 acres."

78 sugar prices, the Truth

#### Reference 233 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

According to R. Virasawmy in his 1984 paper, 'A form of Liberation', published in the book entitled Indian Overseas, compared to the 1870s, when land was not available to 'Indian immigrants', they moved on to a situation where they were given access to landownership. Thereafter, there was a new reversal trend where the labourers were part and parcel of the property-owning class in newly developed villages outside estate boundaries.

Cane cultivation was practised as far back as 1876, with the emergence of morcellement system when plots of lands were sold to Indians. In 1913, Indian small planters occupied around one-third of the total area under sugarcane cultivation. This was a good step taken by Indians during their stay in the country, with their limited rights and freedom: "Estates which were not very profitable have thus been parcelled out and the inferior portions of other estates." (Wilberforce, 1913). These inferior plots of land had not been productive for Indian small planters, as their cane yield was less than the yield for estate owners.

However, because of their situations, small Indian planters had no choice but to accept the offer and be dependent on large estates for processing their canes right up to the marketing of their sugar. It was also a fact that most of the small Indian planters, at that time, were illiterate and poor; thus they were influenced by estate owners in their desire to have a sense of belonging through landownership and residential properties in Mauritius. The Meade report, of 1960, rightly pointed out the level of illiteracy among the growers as follows: "It is most unfortunate that no one seems to have educated the growers to look for sugar per 'arpent,' the real determination of their income when it comes in selecting cane and how to grow it".

Coombes noted that small Indian

#### Reference 234 - 0.01% Coverage

sirdars.

Table 4

Whole island %

Indian planters off sugar estates

13,597 95.6



## Distribution

### Reference 235 - 0.01% Coverage

estates

13,597 95.6

Distribution of sugar plantations by Indians and Non-Indians off estates in 1940. Acreage grown by Indian planters 38

### Reference 236 - 0.01% Coverage

Report of Agricultural Census, 1940

This Census Report of 1940 has categorised two types of estates, according to a particular criterion compared to previous reports which classified as 'Estate' and 'Off Estates' as an association of permanent names with the properties. The influence of the Morcellement system had not only affected the Indian community, but also the Non-Indians. The distribution pattern of cane fields outside the estates shows Truth and Justice Commission

### Reference 237 - 0.01% Coverage

6%) by Indian planters, 64

Non-Indian planters off sugar estates 626 4.4

Acreage grown by non-Indian

### Reference 238 - 0.01% Coverage

A Source: Agricultural Census, 1940

The earliest distribution pattern of sizes of holdings by planters had been accurately fragmented in the Agricultural Census of 1940. Figure 2.0 shows that 58% of planters had cane fields less than 1 arpent, while 33 % of planters occupied between 1 and 5 arpents. Despite the fact that the largest size of holdings was distributed to the least distinct category A, at that time in Mauritius, 87% of cane cultivators were small cane planters, with a population of 12,408. This shows that access to land was easy for the lower class of people, with facility of different sources of finance. It can also be noted that the estates owners accounted for 2% holding greater than 40 arpents.

Table 5 Trend of landownership

### Reference 239 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

petitions and went to lodge complaints against mill-owners to the Protector of Immigrants. Actions were taken by the Commissioner of Police, once a report had been submitted by the Protector of Immigrants to the Government. An Agreement was further reached by the estates for the limitation of the area system, with either small planters either individually or through their representatives.

## Great Wars (World Wars I

### Reference 240 - 0.01% Coverage

#### World Wars I and II)

During World War I, in the presence of Governor of the Colony of Mauritius, Mr. Heskell Bell, sugar was sold at five times its usual value to England for about Rs. 240 million or £20,000,000. There were great changes and a development in the social life of people. Many of them were suddenly rich; the labourers had a good earning and spent usefully, while other labourers spent their money on liquor, such as rum (A. Toussaint, p. 214). Extra money from wages was used to buy plots of lands and cattle to become independent farmers and have some savings for the future. In addition, some labourers went to settle in towns and villages. Thus, arose a class of small planters among the labourers and descendants of labourers. Shortly after World War I, sugar prices fell; this practically ruined small Indian planters who lost their lands and had to look for other jobs. Some had to return to their old jobs in the fields of sugar estates. A few Indians managed to continue as small planters, although they had sustained great losses. (M. Varma, p. 220)

The Short History of Mauritius by Toussaint has elaborated on the World War II period, when the colony was seriously affected by famine, especially in 1941. Then Mauritius could not import rice from Burma, due to the war in Japan. So, the Government had to be very strict and established special War Laws. Therefore, Sugar Estates Managers were obliged to cultivate foodcrops from an initial value of one-fortieth up to one-quarter of their fields. This law was also applied to small planters.

#### Labour Crisis in 1970s

The

### Reference 241 - 0.01% Coverage

planters.

#### Labour Crisis in 1970s

The 1970s were a crucial period when a real development was observed in the country. There was a growth in the economy, as well as industrial development and good financial returns. Around 1974, after the establishment of Sugar Planters Mechanical Pool (SPMPC), many planters, including small planters, took advantage of the introduction of the derocking of sugarcane fields, through mechanical services. At the same time, many sugar estates increased their use of mechanisation by buying cane harvesters. There were an increase in absenteeism among labourers (greater than 20%) and a shortage of people moving for other employment opportunities such as Export Processing Zone. (SPES,1991). Among small planters, many left their agricultural lands to work in the industrial sector for a greater income.

#### TREND OF SUGAR CULTIVATION BY

### Reference 242 - 0.01% Coverage

and Annual Reports of SIFB

After 1976, following the establishment of Sugar Mechanical Pool Corporation, many estates and large planters were massively bulldozing land and preparing their cane fields,

just like small

planters. In

#### Reference 243 - 0.01% Coverage

cane fields,  
just like small

planters. In addition, some small planters did not benefit from these mechanical services, as they had less than 1 arpent of land. In 1985, more than 97% of all planters were small cane cultivators. Reform was being brought to the Sugar Industry after the Sugar Inquiry of 1983 and of the creation of the Mauritius Sugar Authority which provided financial support to a Sugar Industry worker (small planters) either for the acquisition of a house from the sugar estate, which is suitable for long-term occupation, or to buy a plot of land offered by the Sugar Estate or to build his own house thereon. Thus, there was a boom of small cane cultivators, reaching a peak of 33,838 planters. After 2000, a sharp decrease was noted in the number of small planters, due to the financial crisis and other problems.

With the growth in the

#### Reference 244 - 0.01% Coverage

##### OF CENTRALISATION ON SMALL PLANTERS

The centralisation of sugar factories had begun in 1861, when 259 factories decreased gradually, over time, to 70 which were still operating around the country in 1921. The Chamber of Agriculture noticed that the main reasons for the closure of many factories were the damage caused by the spread of Malaria among Indian immigrants in 1866, as well as violent cyclones during the 1860s and 1870s. Consequently, the closure of factories led Indian immigrants to settle down in this colony and to purchase plots of lands from estate-owners during the Morcellement system. Small planters made use of ox-carts to transport their canes to the factory. With the closing down of factory units, they were compelled to send their canes even further than previously.

Centralisation was also intended to facilitate the accumulation of capital and profits by favouring operations in larger estate factories rather than dealing with smaller and fewer estate factories. Investments in small factory units were not feasible and practical; thus, the focus shifted to making the large factory units become more effective.

The Centralisation process in 1964

#### Reference 245 - 0.01% Coverage

high-yielding in the Sugar  
cultivation was restricted to estates with factories and large holdings.  
Industry. According to the Commission

#### Reference 246 - 0.01% Coverage

In addition, there was no  
central tractor or agricultural machinery stations for associations of small planters. Mechanical services, in 1947, were mainly used for cultivation purposes, bulldozing, preparing the land, removal of stones and boulders, weeding interlines, furrowing and sub-soiling. From a total of 127 tractors operating on sugarcane lands, the estates-owners had the majority, i.e. around 99, while contractors, as well as large planters, owned

14 tractors respectively. Small planters faced lots of difficulties by managing their inferior low-yielding lands provided by sugar estates. The cost of hiring machines was high, and small planters were commercially exploited.

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#### Reference 247 - 0.01% Coverage

motivate them to cultivate sugarcane.

Plots of small planters, falling under block irrigation projects of Estate factories, should be legally swapped for land amounting to the same value in other areas, if the planters wish to.

Vast training programs on research

#### Reference 248 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS •

Small planters need to regroup themselves again into large groups to get capital investments and sponsorship through cooperatives, estate factories, companies and sugar institutions or simply by network marketing of small planters around the world. Network marketing is the "chain of contacts" which allows business to run through network of contacts and this could cost less capital investments with greater profits in return, and equipments could be purchased at a lower price through contacts.

• •

Small planters could promote alcohol

#### Reference 249 - 0.01% Coverage

Coombes has further refined this

definition for Mauritius. For him, métayers were estate labourers who were provided with a plot of land on the sugar estate where they resided, with the clear agreement that they would grow sugar cane for delivery to the estate factory. They did not pay any type of rent money for the estate land where they grew the sugar cane, "but they received less than the ruling market rate for the cane supplied, which was equivalent to payment of a concealed ground rent in kind."

86 2. HISTORY OF MÉTAYAGE

#### Reference 250 - 0.01% Coverage

and expansion of Tourism, this

marginal land is becoming highly profitable. Hence the desire of the sugar estates to reclaim this land and sell

Independence, the Law and the authorities have been lukewarm in their attempts to protect the historic rights of the métayers when sugar estates wanted to reclaim the land leased.

According to research undertaken by

#### Reference 251 - 0.01% Coverage

Acting Governor J. Power declared:

"I believe that I am within bounds in saying that not more than a third of the island is under cultivation whilst all of it may be made productive. There is also ample employment more than enough for the lately liberated population without returning to the sugar estates, in the cultivation of provisions, vegetables, and in rearing of minor stocks such as fowls, pigs, etc [...] which they fully understand [...] the prices of the majority of these articles are now nearly double what they were ten years ago."

87

In 1840, Governor Lionel

#### Reference 252 - 0.01% Coverage

quiet, and content, people."

88

Small-scale métayage seemed to exist therefore, while as the century progressed, the sugar estates used the métayage system in Mauritius, in order 89 to deal

#### Reference 253 - 0.01% Coverage

deal with problems of labour

shortage. The first record of it is on the St. Martin Sugar Estate, in the Savanne District, where it began in 'the concluding months of 1846.'

By 1847, a report of

#### Reference 254 - 0.01% Coverage

apprentices on 19th April 1847.

Unfortunately, it was never implemented by Governor Gomm, the Council of Government or the planters, with the exception of Napoléon Savy. The case of Savy helps us to understand why Lord Glenelg's suggestion was never considered in Mauritius. Napoléon Savy was a Coloured sugar estate owner, a well-known barrister in the Colony and originally from the Seychelles. During the 1840s, he acquired Petite Rosalie Sugar Estate, as well as other properties in the Southern part of Pamplemousses District.

92

"I shall be happy

#### Reference 255 - 0.01% Coverage

the manner you propose."

94

The Colonial Government was not happy either with the experiment in métayage being conducted on a sugar estate in the South. This estate was visited by two senior British Officials: Charles Anderson, Protector of Immigrants and George M. Elliot, Stipendiary Magistrate of Savanne.

95

Based on their reports

#### Reference 256 - 0.01% Coverage

not so advantageously situated.”

96

Although this first experiment with métayage failed, as the labourers returned to India, other estates preferred to try it with Indian labourers rather than with ex-apprentices.

An intimate economic relationship developed between the estate owner/landlord and métayer.

97 estate. 98 land to use”. 99

It was also a relationship

#### Reference 257 - 0.01% Coverage

it was not necessarily an

equal relationship. It was seen as a strategy used by the estate owners in order to secure “labour near the estate and to put marginal

difficulties of irrigation, inaccessibility, or

#### Reference 258 - 0.01% Coverage

first half of the 1900s.

Furthermore, it also gave a chance to small planters to ‘acquire’ additional land “which enabled many of the latter to double or even treble the area cultivated, as against the area owned by them outside the perimeters of the sugar estate.”

103 104 102 Through this ‘land acquisition’, the estate worker was able to For estate owners, it also meant that

marginal land was transformed into fertile land at little expense on their part. For the estate, “the lands were usually uneconomic for the estate to cultivate because of rockiness of the soil,

‘New chains of dependence’ emerged

#### Reference 259 - 0.01% Coverage

New chains of dependence’ emerged

when credit advances, sometimes made by the estate owners and the total dependence of the métayer on the planter or estate for the purchase of his sugar cane.

According to Alfred North-Coombes, “at the same time there was considerable competition for labourers between the various estates. In order to encourage a man and his family to work on an estate, they were often attracted by the loan of some land which, however, had to be cultivated in cane. Some financial help, by way of a loan on the future crop, was also given for the ‘mise en valeur’ of the land.”

105 usually a select group

#### Reference 260 - 0.01% Coverage

them for several years. 107

Benedict indicates: "Estate owners often loaned trusted employees small plots of cane land on the estate to cultivate. One of the motives was to keep the labourers, nearing the end of their contracts, attached to the estate".

th By the mid-20

#### Reference 261 - 0.01% Coverage

workers who had worked for

many years on the same sugar estate and had resided for years in the estate camps and in the nearby villages.

108 109

Today, they form

#### Reference 262 - 0.01% Coverage

importance of the métayers declined.

Estate owners did not give land to anybody; it was 106

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#### Reference 263 - 0.01% Coverage

OF HAREL FRERES

EARLY HISTORY

Belle Vue Harel, created earlier, in 1775 by Jacques Antoine Dumolard, had some 110 slaves who lived there. Later on, the same estate was acquired by Babet and Jean Dioré. Jacques Saulnier created Beau Plan in 1821 and passed it on to J.T. Couve. In 1832, 202 slaves still estate. Recently, the sugar estate was turned into a sugar museum.

lived on his

Apart from

#### Reference 264 - 0.01% Coverage

toute l'île à cette époque."

In 1753, Rostaing received 50 slaves to work as masons, stonecutters and carpenters to create an oven to melt the iron. The Forges occupied around 4,056 acres of land, plus another 10,000 more acres of forests, kept to supply the estate with charcoal. From 1752 to 1759, Mon Désir employed around 790 slaves and supplied the French Engineer de Cossigny with iron for the construction of fortifications over the whole island. The Forges turned out to be so successful that production amounted to around £1 million of iron of different types per annum. These materials were exported to India.

The slaves, attached to the Forges, lived in the nearby "camps", which were aligned in long rows of huts, each of them enclosed by a family garden. The area was divided in quarters, each having its own black commander to look after the well-being of the inhabitants. Hermans formed 200 of his slaves to be militarily

disciplined and worked them as if they were true soldiers. He was very satisfied with the job they performed. However, this period of prosperity was not everlasting. In 1774, the owners of the Forges were forced to sell the estate as it went bankrupt. From then on, there came a change in the function and naming of the site. Mahé de Labourdonnais owned the land situated in the valley formed by Mount Calebasses, Pieter Both and in the South, at Ferney. Some 236 slaves lived and worked in his indigo factory. Later on, sugar was cultivated to produce arrack, hence the need for a 'guildiverie'. In 1820, a sugar factory was created on the estate and, in 1832, one Daruty owned the estate.

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#### Reference 265 - 0.01% Coverage

##### FROM SUGAR TO ECONOMIC DIVERSIFICATION

Throughout Mauritian History, the sugar magnates, having acquired large "grants", set up large conglomerates, obtained a cheap labour force to create their wealth. Solitude Sugar Estate was one of the three sugar factories which belonged to the Society Harel Frères Limited. Auguste Dioré was the first owner between 1838 and 1839. He sold 406 acres of land to Jean Baptiste d'Agnel in 1857. Since that time, the land changed hands and increased in acreage several times. The annexation of adjoining lands, resulting from the closing down of factories, increased considerably the factory area of the sugar mill as was the case in other parts of the island.

Other important mergers in that

#### Reference 266 - 0.01% Coverage

Air (783 acres) in 1925.

The Belle Vue Estate, for example, was established in 1807 and the first sugar factory was founded in 1835 in this area under the ownership of the Anglade family. In 1838, Pierre, Victor, Eugène and Emile Harel set up the Society Harel Frères and bought Belle Vue.

In 1850, Victor bought his brothers' share and became the sole proprietor. His son, Nemours, followed the example set by his father, in becoming, in 1898, the sole owner of the estate which he

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#### Reference 267 - 0.01% Coverage

as is the case today.

• 1858: Pierre Victor Lanougarède and heirs (619 acres); • 1866: Pierre Adolphus Wiehé (838 acres); • 1869: The Ceylan & Co. Ltd; • 1878: Jules Hyppolite Langlois & George Couve; • 1881: The Northern Sugar Estate Company Limited (835 acres); • 1898: The Crédit Foncier of Mauritius Limited (2 389 acres); • 1899: Société Le Court de Billot Frères; • 1919: The Solitude Sugar factory Company Limited (1 052 acres); • 1925: Society Harel Frères (2 142 acres); • 1940: Labourdonnais Sugar Estate; • 1960: Harel Frères Limited (2 461 acres); and • 2010: The latest acquisition being that of Mount Sugar Estate.

Figure 7 Example of a

#### Reference 268 - 0.01% Coverage



few mergers made over centuries

The Harel family has been so closely connected with the factory that it is still designated as Belle Vue Harel, even if the real name must be Belle Vue Mauricia, when the estates of Belle Vue Mauricia, Mon Rocher, Bon Espoir, Ferret and Forbach were annexed. They can trace their association with the business community as far back as 30th July 1799, when Charles Pierre Harel (1772-1842), from Saint Malo, France, obtained from the Governor of Isle de France the authorisation to command trading vessels. The family business, which started in the 1830's, has turned into one of the most influential business sectors of the Mauritian economy. The group consists of four main companies, namely Harel Frères Limited (cultivating more than 3, 900 hectares of sugar cane land in the North of the island); Harel Mallac & Co. Limited (today comprising of some 20 subsidiaries and 35 associated companies); The Mount Sugar Estate Company Limited - incorporated in 1913 and which controls 1, 800 hectares

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#### Reference 269 - 0.01% Coverage

French retailing group.

#### SLAVE OWNERSHIP

As will be seen in the table showing registration returns in 1826, there was a close association of sugar estates with slavery and in this particular case, with the slave trade and commerce since the 18th century.

Most of the Mozambican slaves

#### Reference 270 - 0.01% Coverage

lles, Affiches et Annonces Diverses)

The Sugar Estate Belle Vue Harel was in existence in 1835. On 16 Jan. 1837, according to compensation claim No. 6559, Charles Pierre Harel obtained for 131 slaves, the total sum of £4,397 - 5 shs-5d (p. 314, BPP).

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#### Reference 271 - 0.01% Coverage

preparing themselves for mechanisation and,

coupled with a consistently, followed policy of rationalisation, they closed two factories in 1985 and a third one, in 1999 - that of Beau Plan Sugar Estate- to finally create a single modern factory with a production capacity of some 100, 000 tonnes of sugar annually. This factory, which has a 70 MW bagasse/coal fired power plant not only provides its own energy requirements, but exports some 105 GWh of bagasse based and 220 GWh of coal energy to the national grid every year. The Group pioneered the refining of raw sugar into white and special sugars to become, today, the largest producer of special sugars in Mauritius, with the setting up of one of the island's most technologically sophisticated factories on the island.

\*\*\*\*\* CREATION OF THE COMPANY UNDER

#### Reference 272 - 0.01% Coverage

its offshore company, Ivoirel Limitée.

Harel Frères Limited owns a distillery/refinery which produces alcohol and a bottling plant, while representing, at the same time, a large number of imported brands of wines and spirits, positioning itself as a leader in the alcohol production and distribution trade. The Group carries out stonecrushing activities through its subsidiary "Produits Basaltiques du Nord Limitée" and other economic activities through its main subsidiaries, such as "Compagnie Agricole de Belle Vue Limitée", Beau Plan Sugar Estate Co. Ltd, Belle Vue Milling Co. Ltd, « Compagnie Usinière de Belle Vue Limitée », « Compagnie Industrielle de Solitude Limitée », Grays « Compagnie Thermique de Belle Vue Limitée ». and Co. Ltd, and Following

#### Reference 273 - 0.01% Coverage

traced out but many others could not be identified as they had left the island. No partition of the deceased estate could take place. While some of the heirs had migrated, others, who decided to remain in Rodrigues, chose to settle on part of the said "concession" with the tacit agreement of the other "ayants droit". This practice has continued for over 5 generations of the Bégué family. No wonder after a time that other people alien to the Bégué family started to squat on plots of the land left unoccupied and claimed ownership in terms of the

#### Reference 274 - 0.01% Coverage

at some point in time. In Mauritius, land was and is still considered in law as a form of property and during the colonial days as and economic resource. There was no indigenous settlement and so no traditional forms of ownership. Instead there existed ownership by individuals, ownerships by private estates, corporate ownership, by Church and ownership by the State. Unrecognised in law was the land used communally by persons working for the estates: slaves and contracted workers who lived and worked in the estate camps and also grew provisions. It could be described as communal use of land. However, in Mauritius, the extent

#### Reference 275 - 0.01% Coverage

small owners emerged en masse. Topography has also influenced to a great deal how land is used and valued in Mauritius. Suitability of land for sugar production has determined the price of land in the sugar producing regions for nearly two centuries although this is today changing as tourist and luxury housing estates become more and more the trend of the 21st century. Throughout the years, land has

#### Reference 276 - 0.01% Coverage

the deeds and Notarial records.

Furthermore, the Curatelle Department was established in 1768 to administer vacant estates. This was particularly useful as many young male bachelors had settled in Mauritius and did not leave any heirs when they died. The single Curator of the 1768 was replaced by a Curator for each district in 1795, appointed for life by the Communes. They were poorly paid and did not work efficiently. Some order was put by Decaen who restored the unique Curator system. He received a commission on land sold. However, his duties increased after 1809 when he was also given the duty to watch over wills where there was an executor, and it is felt especially when the executor may be a Black person.

An overview of the different

#### Reference 277 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

into the 20th Century, as had been the case of Valetta estate, draining Mare Tatamaka, Mare d’Australia, Gambier, Citron and Deux Poules d’Eau, all along Rivière Sèche.

The 1875 – 1920 periods witnessed

#### Reference 278 - 0.01% Coverage

down trees not only of

their own estates, but also on

Government lands somewhat near their estates and Government surveyors even drew false boundaries for Government lands, thus giving away Government land to estate owners, who, of course, rewarded the Government surveyors with large bribes”<sup>1</sup>

Bribery and blackmail were used

#### Reference 279 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Sugar (Estate) Company Sale by Levy Prescription Metayer

18 7

19 6

Dispossession

#### Reference 280 - 0.01% Coverage

is still a live issue.

Based on his reports, Chaton, henceforth, acknowledged that the company, ‘The New Belle Isle Estate Ltd’ is the owners of a land situate at Plaines Saint Pierre of 118 Arpents and same has been duly transcribed (TV No. 504 and 506).

There is also undisputed issue

#### Reference 281 - 0.01% Coverage

exchanged (TV 31 No. 20).

It is also of interest to note that upon the findings of Chaton, he concluded as follows: «La compagnie New Belle Isle Estate Ltd est propriétaire d'un terrain de 118 A et ce terrain y trouve l'ancienne Usine et l'Etablissement principal d'une contenance de 118 A» and Chaton went on 'le terrain des héritiers La Flèche est doté de seulement d'une mine et quelques tombes anciennes mais pas de bâtiments administratifs..."

Even though the Auguste La

#### Reference 282 - 0.01% Coverage

of research to that effect.

The deponents aver that, initially, the Tancrels had about 1,000 Arpents in the East of Mauritius, most of them occupied now by FUEL Sugar Estate.

It appears also that in

#### Reference 283 - 0.01% Coverage

with regard to land dispossession.

Some 30 years ago, some relatives living in UK and France visited Mauritius and went to discuss with some Lawyers/Attorneys who, in turn are the descendants of Gujadhur family. They had a rough time and could not come up with any clarifications. It is noted that the Gujadhurs possessed the sugar estates L'Unité and L'Union which, after merging with other sugar estates, became FUEL. The Tancrels had land which formed part of L'Unité.

The Commission made several suggestions

#### Reference 284 - 0.01% Coverage

Unrest in 1937 in Flacq.

This is a complex case with many loose ends, but, nevertheless, it seems to be a typical case of dispossession by Sugar Estates, of land belonging to a French colon, who had children with a woman slave.

The family was advised to

#### Reference 285 - 0.01% Coverage

morefully indicated on his plan.

It is found in the middle and is mingled with the sugarcane plantations of Flacq United Estates Limited. R. Bhurtun confirms in

#### Reference 286 - 0.01% Coverage

that of 'Dispossession of 200

Acres at Trois Ilots by W Marguet dit Cothrey, now land occupied by Deep River Beau Champ Sugar Estates to the detriment of Nicolas Mayeur", but the case was first heard on 28th October 2009, when Louis Eric Didier Kisnorbo deponed as one of the heirs and succession of Nicolas Mayeur who died in 1809 but who

purchased during his lifetime a property admeasuring 264 Arpents 90 perches situated at the left bank of 'La Grande Rivière du Canton des Trois Ilots', in terms of a deed drawn up on 28th September 1797 by Notary Jean-François Arnaud and preserved at the National Archives ("Répertoire" NA538/7 No. 472).

According to the hearing summary

#### Reference 287 - 0.01% Coverage

belong to the heirs Mayeur.

The representative of Deep River Beau Champ Sugar Estate attended the hearing session on the same day, 13th May 2011, and submitted on that day a copy of its title deed together with a brief prepared by the Company's Notary in relation to the 200 Arpents.

The Company claims that its

#### Reference 288 - 0.01% Coverage

26th September 1882 when Société

Beauchamp Sugar Estates Company Limited acquired the said portion of land from Alcide Sornay, Thomy Mamet and Evénor Dubois and his wife in terms of TV 150/228.

In addition, it is worthy

#### Reference 289 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Subsequent to the hearing session, an official letter was sent to the Company on the 21st July 2011 with a formal request to let the Commission to know whether the land claimed by Louis Didier Kisnorbo within the limits shown on an enclosed plan was owned by the Company. The reply of the 21st July 2011 confirmed that the land is comprised in the Company's estate land and the same brief handed over on the day of hearing was enclosed.

The Commission observes that there

#### Reference 290 - 0.01% Coverage

none of the awaiting results.

Case 1 The applicants claim that they are the rightful heirs of a plot of land of 25 Acres at Black River. They denounce that they have been victims of some ill-intentioned persons who have been illegally occupying their land. They also relate that the adverse party actually occupying the land (illegally) has erected a Real Estate project on 24 Acres of land out of the 25 available.

The applicants

deplore the fact

#### Reference 291 - 0.01% Coverage

bulldozers by the adverse party.

Case 3 A plot of land, of 156 Acres at Albion, inherited by the heirs Frichot has been identified and surveyed. But the applicants affirm that they have met strong resistance from the adverse party: Médine Sugar Estate. This latter has even lodged an injunction before the Court of law. The case is actually before the Supreme Court; the Médine Sugar Estate has failed to appear and has deliberately postponed the case several times. Since then, Médine Sugar Estate, with the help of bulldozers, has been damaging all the boundary stones and landmarks despite the Court's order preventing both parties to have access to the said land.

Case 4 The Domaine Les

#### Reference 292 - 0.01% Coverage

The Jeannot are also heirs.

The deponent avers that Medine Sugar Estate is occupying the land and that legal actions were initiated against the Estate on four occasions.

Deponent says that former Chief

#### Reference 293 - 0.01% Coverage

River on 29 July 1819.

The Commission has held several sessions in respect of the case. Medine Sugar Estate was called to give evidence in respect of its occupation.

The Commission has been apprised

#### Reference 294 - 0.01% Coverage

Bretonache or any other person.

The question of the property rights of the Médine Sugar Estate was raised again. On the 3rd November 2008, Médine Sugar Estate lodged a plaint in court against P. Moogon and Boudeuse for illegal removal of stones from their

#### Reference 295 - 0.01% Coverage

and was not even transcribed."

During the Court proceedings, avers Land surveyor Koyratee, "Médine sugar estate was unable to produce any reliable evidence ("titre de propriété") of their property rights on the land of 156 ½ arpents or 80 arpents originally held by Mathurin Jeannot".

The Commission is unable to

#### Reference 296 - 0.01% Coverage

at Coteau Raffin, Black River.

Case 1 According to a "concession" deed dated 16th January 1757, one Fouquet received a plot of land of 172 Arpents at Plaines Wilhems, more precisely at Henrietta, Vacoas. Fouquet married Perrine Gauthier on

6th August 1753. The estate is sold "à la barre" (by levy) in 1900. In the "acte de vente" (deed of sale), it is said that Fouquet or assigned is one of the neighbours.

At present, Médine Sugar Estate has been occupying the land for quite a long time. Gérard Bernard, the applicant's proxy, has been negotiating several restitution of the land. But Médine says that they are the owner.

times with Médine Sugar Estate for the

The applicant wants the Commission to request Médine Sugar Estate produce the title deed to prove that they are the official owners of the land. The applicant wishes to get back the land.

Case 2 Pierre Spéville, father

#### Reference 297 - 0.01% Coverage

1763 (without any plan attached).

- A copy of TJ/98/2 relating to the judicial sale concerning Sugar Estates Reunion, Henrietta and Tamarind Falls.

The documents produced do not

#### Reference 298 - 0.01% Coverage

of the portion of land.

It is observed that the land is said to be occupied by Médine Sugar Estates and that negotiations to recover the land – presumably "à l'amiable" - has failed as the Estate claims to be owner of the same.

The request of Bernard is to ask Médine Sugar Estate to give proofs that they are the real owners and to produce their relevant title deed. In other words, Bernard is asking to the other party to give particulars relating to a portion of land occupied by the estate peacefully "à titre de propriétaires" in order to build

#### Reference 299 - 0.01% Coverage

by persons unknown to him.

According to a plan of the plot of land of 12 Arpents submitted by the applicant, relevant site may be easily identified on site. The document which the applicant submitted is a "sous seing privé" in which one D'Emmerez acknowledges the sale of 12 Arpents to be excised from the Estate Coteau Raffin to Pierre Spéville.

However, searches at the Mortgages

#### Reference 300 - 0.01% Coverage

landowner during his life time.

The applicant further adds that Médine Sugar Estate has only 623 Arpents of land in Beau Songes and the Marion family owns 2 portions of land of extent 32 Arpents 38 perches and 130 Arpents respectively at the same location of Beau Songes. Concerning the 130 Arpents, he says, Médine Sugar Estate is at present selling part of that land. As for the 32 Arpents 38 perches, at present, United Basalt is proceeding in derocking the land.

The applicant avers that his family has always occupied both plots of land as pasture land, for charcoal making and for cultivation. In 1982, they built a small house on the 32 Arpents 38 perches and a store-house on the 130 Arpents. Médine Sugar Estate threatened him with weapons and accused him of illegal occupation of land. The Médine Sugar Estate even had recourse to the Special Mobile Force to force the Marion family to vacate the premises.

Finally, the whole issue was brought before the Court where the applicant lost the case. Médine Sugar Estate destroyed the house, bulldozed the land as well as the irrigational canal which provided water to the applicant and his family. He feels that he has been dispossessed by Médine Sugar Estate.

Furthermore, the applicant says that

#### Reference 301 - 0.01% Coverage

per TV 221 No. 240.

Furthermore, it has also been found that, through an outbidding made before the Master and Registrar at that time of the Supreme Court made by one Sudar Saib, who acquired the land on 18th January 1901. Prior to that, a sale by licitation was entered before the Supreme Court against the Widow of Goody Ramdoss, one Lutchmee David at the request of the Curator of Vacant Estates as evidenced by TJ 194 No. 40.

Later, the said Sudar Saib

#### Reference 302 - 0.01% Coverage

and TV 250 No. 498.

As regards the case at the District Court against Médine Sugar Estate, the applicant apparently lost the case and the estate pulled down the house and appropriated the land. There is not enough data in file to apprise the issue in Court was and what the judgement was. A full copy of the proceipe and the record of the judgement could have been helpful but no copy of the judgement was available at the Bambous District Court.

The Commission has been made aware that the applicant and other heirs have entered another case before the Supreme Court against Médine Sugar Estate.

\*\*\*\*\* CASE NAME: BONNEFIN TJC/L

#### Reference 303 - 0.01% Coverage

Cancaval, a region of Curepipe.

NATURE OF CLAIM: • Misappropriation of a plot of land of 156 Arpents, according to title deeds (but of 277 Arpents according to deponent) belonging to the heirs and succession of Frederic Bonnefin, by Médine Sugar Estate, following acquisition of Réunion Sugar Estate by Médine Sugar Estate.

• Depletion of the Bonnefin heritage by the sale of part of their land, by Medine Sugar Estate, to the 'Compagnie River-Land', for the development of a morcellement

SUBMISSION OF DOCUMENTS: During the

#### Reference 304 - 0.01% Coverage

succeeded to recover the land.



Unfortunately, they learnt that years ago, the Reunion Sugar Estate had annexed their land to its domain land and had afterwards sold the property to Médine Sugar Estate.

Around year 1996, all heirs joined forces and started legal action to recover their property. They compiled a list of all the heirs, swore an affidavit and drew a family tree. They could not go further as they were denied access to their land by Médine Sugar Estate

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#### Reference 305 - 0.01% Coverage

July and 17th August 2011.

At the hearing of 17th August 2011, Dany Giraud the CEO, maintained that the land the Médine Sugar Estate had purchased belonged to the former Reunion Sugar Estate and was a regular acquisition. He was requested by the Commission to submit the title deeds and survey plans that could help to identify and locate the land disputed by the Bonnefin. Though hesitant at first, Mr. Giraud agreed to submit the relevant title deeds and survey plan drawn by Land Surveyor Raffray.

The Commission has examined and perused the various documents, particularly the survey plans drawn by Raffray and Florent for Médine Sugar Estate. The Commission is of opinion that the plot of land of 167 Arpents transcribed in Volume TV 1258 No. 12 that Médine identified as being their land and that of 156 Arpents, claimed by the Bonnefin are two different entities. There are clear indications in the documents submitted by Médine Sugar Estate, that the land of 167 Arpents is situated on the Western side of River Tatamaka and is not bounded by the Chemin Berthaud. On the other hand, the land identified by the Bonnefin is the only plot located on the Eastern side of River Tatamaka and is bounded by the Chemin Berthaud. Furthermore the two other sides are bounded by Tolbig on the North and M. Burguez on the South as described in their title deeds.

The Commission is in presence of two distinct portions of lands of different acreage, the first one belonging to Médine Sugar Estate and the second one to the heirs of Frederic Bonnefin:

- The Land of Médine is

#### Reference 306 - 0.01% Coverage

western part of River Tatamaka.

- Land belonging to Médine Sugar Estate has no frontage on the Chemin Berthaud.
- The land of the Bonnefin has the main frontage on the Chemin Berthaud

The Commission, after having examined

#### Reference 307 - 0.01% Coverage

Désiré Marison made a "testament

olographe" (NA 87/10 No. 1243) whereby she gave all her property (land & chattel) situated in Vacoas to one Robert de Chazal. She gave to Magère Marison, brother of her late husband, a plot of land of extent of 4 Arpents extracted from the land which has been given to Robert de Chazal. As the Marison at that time were illiterate, the heirs thought that there might have been another will made by Robert de Chazal in favour of the heirs Marison being given that, at the death of Robert de Chazal, there has been a deposit of sale of land under private signature by one of the owners before actual owner, Médine Sugar Estate.

They request the Commission to investigate for a possible will by late Robert de Chazal to the heirs Marison; to investigate the authenticity of the sale by Robert de Chazal prior to the sale to Médine Sugar Estate. The Commission started its investigation

#### Reference 308 - 0.01% Coverage

registered at the Mauritius Archives.

However, the "Case hypothécaire" 71 No. 153 reveals that Jean Mélidor Dumazel sold (a) undivided rights in 14 Arpents 50 perches at Pamplémousses and (b) 3 Arpents to Northern Sugar Estates and (c) another portion of land at Rivière Citron.

The plot of land of

#### Reference 309 - 0.01% Coverage

186 dated 1st December 1972.

Following searches and the hearing of Land surveyor Bernard Desvaux de Marigny, "Terrain Dumazel" and "Terrain Cauvin" as indicated on a Survey plan drawn up by André Aliphon on 28th September 1973, which is of an extent of 14 Arpents 50 and 11 Arpents 89 respectively, were parcelled out in 1976 by "Noel Real Estate Company Limited" in several lots as "Morcellement Baie –Aux-Tortues"

Adjacent to "Terrain Dumazel" and

#### Reference 310 - 0.01% Coverage

confirmed by the applicant himself.

At a meeting at the Commission on the 10th March 2011, the applicant has been informed that the land is at present waste; Deep River Beau Camp Sugar Estate who had sugar cane plantation thereon has not been up keeping the cane. The applicant has been advised to call at the SIFB office and to retain the services of a Land surveyor to identify the land and to start occupying the land if possible.

\*\*\*\*\* CASE NAME: BERTHELOT TJC/L

#### Reference 311 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

As far as the applicants know from the elder members of the family, the Berthelot family lived on that land in 1876 but when they got married, they left. Some planters have been occupying the land, cultivating vegetables, sugarcane and tobacco. At present, 3 different families are occupying the land. Since 1961, the heirs have been trying to get back the land. In 2001, they paid for the services of an estate agency (Ariel Ltd.) but with no positive result. In 2005, they asked for the assistance of one Eric Pitchen and, again, there was no positive result. They asked a Land surveyor to survey the land but he refused.

The Patient family requests the

#### Reference 312 - 0.01% Coverage

Since 1958, the family made procedures to try to get these lands back but it is quite impossible. In the "Case hypothécaire", the land belonging to Marcellin and Joseph Barry have not been sold. Before 1939, Joseph Caboche was the owner of the Beaubois estate under sugarcane cultivation, neighbouring the land of Marcellin and Joseph Barry also under sugarcane cultivation. As from 1939, plots of the land 'numérotés' (identified by numbers) are being sold. Since then, the neighbouring lands cannot be identified. At present, Constance and Fuel estates are the owners of Beaubois and others.

Analysis of the copy of

#### Reference 313 - 0.01% Coverage

assets of Jean Marie Chenel.

Jean Marie Chenel has given 78 Arpents to his sister Jeanne as "dot de mariage" to Villard. The land is shared among the 2 children Diolle. It is the neighboring land to Beaubois estate. According to the deed, Jean Pierre Diolle, owner of the land, died in 1915 leaving a daughter as heiress who married her cousin Jean Pierre d'Avrincourt. In the 'acte de vente' of the plot of land belonging to d'Avrincourt, it is said that the neighbour is Jean Pierre Diolle. Beaubois sold his estate in 1900. In this title deed, it is said that one of his neighbours is an 'héritier d'Avrincourt'.

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#### Reference 314 - 0.01% Coverage

belonged to Pierre Aristide d'Avrincourt.

The Bernard family would like assistance from the Commission to get back the Beaubois estate as well as the land at Rivière Françoise, if there is no heir left.

Case 3 The applicant says

#### Reference 315 - 0.01% Coverage

the land was used as

pasture land. After having bought the land from Velvindron, the new owner, Ramphul, wanted to 'bulldoze' it. FUEL Sugar Estate objected, saying that the land is theirs by occupation. Thus, as 'propriétaire par occupation', FUEL Sugar Estate leased the land as 'métayage' to several small planters. D. Ramphul, the applicant

#### Reference 316 - 0.01% Coverage

like to depone before the

Commission on a case of "land dispossession by Flacq Union Estates Limited" (FUEL). This case was heard on 20th November 2009 in presence of all Commissioners.

Deoduth Ramphul a well-known

#### Reference 317 - 0.01% Coverage

#### Plot 6 1.25 Arpents

According to the deed drawn by Notary Joson, the land was a free hold and not burdened by any charge or mortgage. However, a survey carried by Robert Foiret, Sworn Land Surveyor, revealed that while plots Nos. 1 and 2 were unoccupied, plot No. 3 was occupied by the FUEL Sugar Estates. As for plots Nos. 4, 5 and 6, Foiret admitted that further searches were made to identify their exact location.

The Commission puts the question

#### Reference 318 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Following representations made, the FUEL has always affirmed that the land was the property of the "company by occupation". D. Ramphul reports that the FUEL Sugar Estate has let the land to a number of planters under the "métayer system".

The Commission is well aware that this kind of arrangement is very common in Mauritius in that landless farmers are allowed to cultivate land belonging to sugar estates companies and on harvest part of the proceeds are retained by the sugar estate.

The Commission cannot give any

#### Reference 319 - 0.01% Coverage

celebrated on 1st July 1963.

With the death of André Rubain Riacca, his estate and succession have devolved in his heirs. The case is before the Court awaiting Judgement.

\*\*\*\*\* CASE NAME: ARISTIDE TJC/ L

#### Reference 320 - 0.01% Coverage

Commission to assist in research.

Case 5 The applicant says that her grandmother was Marie Angèle Ang-Saye, she married Chin Paw in 1883. This latter bought a plot of land at Camp de Masque Pavé as evidenced by TV 214 No. 76. According to her, this latter was a real Estate broker. Chin Paw died, living Marie – Angele as his sole heir, as they had no child together. Marie–Angèle then remarried Kho–Sin, who died. No child was born either from this marriage. After his death, Marie–Angèle lived in cohabitation with Polixène Riche, they were not civilly married. From this relationship, five children were born:

- Arnold Riche, born on 31st

#### Reference 321 - 0.01% Coverage

originally belonged to Bergicourt Salomon.

Marie-Line Rosemay Munogee, born Legrand, relates that his family possessed a plot of land of about 4/7 of 2 Arpents, that is, approximately 1 Arpent 15 perches situated at Quatre-Cocos, Flacq belonging to the heirs of late Bergicourt Salomon (husband of late Marie Juliana Catherine). During her life-time, Juliana Catherine has always said to her grandchildren that her late husband Bergicourt Salomon had left a property

in Quatre-Cocos. Nobody trusted her as she was old. One of her grandchildren did some research at the Registrar General's Office. She discovered that, indeed, her grandfather, Bergicourt Salomon had a property but that one Joseph Wilfrid Salomon and Eda Lionnet (wife of Robert Marie) had drawn a false affidavit of succession relating that they are the only heirs to apprehend the estate and succession of late Bergicourt Salomon.

All documents and evidences have

#### Reference 322 - 0.01% Coverage

Salomon on 2nd November 1930.

However, after analysis of other documents, it appears that one Joseph Wilfrid Salomon and one Eda Lionnet (wife of Robert Marie), pretending to be the only heirs to apprehend the estate and succession of properties of late Bergicourt Salomon

#### Reference 323 - 0.01% Coverage

1. 2. 3. 4. 5.

1 Arpent 50 perches opposite to the sugar factory of Réunion Sugar Estate at Vacoas; 33 perches in the vicinity of Trou-aux-Cerfs; 24 perches at Rivière-du-Rempart ;  
Pamplemousses (applicants have no additional

#### Reference 324 - 0.01% Coverage

in support of these averments.

The plot of land opposite Réunion Sugar Estate at Vacoas is being used for the cultivation of sugar cane. Myriam Clémentine has paid one Rigobert of the Nelson Mandela Centre to do searches on Truth and Justice Commission 193

#### Reference 325 - 0.01% Coverage

L/0062/VF/ LAROSE HYACINTHE

Hyacinthe Larose avers in a first claim that he is heir of Alfred Larose who owned a plot of land of Brigot Estate, Montagne des Trois Mamelles. The extent of the property is about 1 acre. The land is bare. Applicant would like to obtain a copy of the deed and other related documents.

In a second claim, the

#### Reference 326 - 0.01% Coverage

Typhis, is still  
living at

Clarence. The plot of land, which the Typhis are claiming, was adjoined that of Clarence Sugar Estate. According to applicants' mother, one Mac Grégor, Administrator of Clarence Sugar Estate, sent his

messenger, Pan, to meet Charles Typhis in order to obtain Documents so as to verify if the Typhis were the real owners of the land. The documents were given to Pan, who disappeared with them.

Charles Typhis went to Court after the loss of the documents and was present each time the case was called. One day, on his way back from Court, Charles Typhis was hurt by a lorry of Clarence Sugar Estate. He died. After the death of Charles Typhis, Clarence Sugar Estate occupied the land. No access was given to applicants' mother and brother and himself to the land; the watchman of Clarence Sugar Estate threatened them.

At present, Médine Sugar Estate occupies the land, as this Company has bought all the land belonging to Clarence.

Even if no document was

#### Reference 327 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Marie Makie Millien passed away on 27th June 1878, leaving as sole heirs to inherit her estate and succession her 3 children namely: Marie Joséphine Lucienne, Marie Marthe Gabrielle, Charles Auguste and her husband Léonce D'Argenteuil Guimbeau.

In virtue of a deed

#### Reference 328 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The applicant wants the Commission to assist the family to retrace documents which could allow the heirs to sell land to Ferney Estate. Furthermore, the family asks for restitution and reparation.

Preliminary searches, carried out at

#### Reference 329 - 0.01% Coverage

or "usufruit" for Jules Marguerite.

The history of the Masson family is as follows: Abraham Masson or Masson Abraham is one of the owners of the land of 788 Arpents. His son, Jules Masson, and his two daughters are the heirs entitled to apprehend the estate and succession of their father, Abraham Masson. Jules Masson was married but 35 years later, his wife died. No child was born from the said marriage.

One of the two sisters

#### Reference 330 - 0.01% Coverage

case, he writes that his

grandfather on his mother's side is Léonce Colfir, the owner of a plot of land at Rivière Noire ex. Camp La Colle. After queries; he has noticed that Government has erected an NHDC housing estate over this plot of land. The company has acquired the said land from Didier Maingard de la Ville-èsOffrans since three years.

One of his neighbours has

#### Reference 331 - 0.01% Coverage

title deed 1712 No. 138.

The NHDC Housing Estate has been constructed over the 8860.34 m2 plot of land.

- The memorandum of survey drawn

#### Reference 332 - 0.01% Coverage

Louis Cherubin TJC/L/0048

The applicant, Marie Stella Sabrina, writes that she was born Lamarque and is married to Jean Yves Désiré Velin. They have a three year-old son. She lives on a sugar estate ("camp sucrier") and she is not the owner of the house she is living in. She knows that the Lamarque family, her ancestors lived in Coteau Raffin; her grandparents, Rose and Luc, lived at La Gaulette. Her uncle Karl Lamarque is her father's brother. She is aware that he had started procedures to get back the family land. The applicant would like to know if she will obtain a plot of land in order to build a house for her.

She has no document, title

#### Reference 333 - 0.01% Coverage

L/0089/VF/ EDOUARD ROSELINE

Roseline Edouard, the applicant, writes that her parents, Louis Antoine (father) and Hélène Sylvie (mother) Jance, had a plot of land of 40 Arpents on Mon Désert-Mon Trésor Sugar Estate "dans les années 1600." Her mother had told her that this land belonged to the family for quite a long time and that she had tried to get it back since 1970/1980. They paid the service of a Barrister Me Guy Ollivry to find out how they could retrieve their inheritance. The Barrister even accompanied the family once to visit the land but the access was forbidden by a chain and a plate marked "Accès Interdit". All those who have started the procedures and searches, her parents and the heirs to Olive and Sylvie families are now dead. Her Barrister did not go any further in her case.

The applicant has not produced

#### Reference 334 - 0.01% Coverage

L/0090/VF/ABRUE VIVIANNE

Viviane Abrue writes that the family owned a plot of land belonging to her grandfather Nicolas Rioux at John Kennedy Street Grand Gaube, mostly known as Camp La Serpe (Bâti). The applicant lived there when she was a child. The family then moved to live on sugar estates in the period 1949/1950. According to information obtained, the land has been sold by the nephew without the other heirs' consent. The nephew's family name is Louise.

Searches carried out by the

#### Reference 335 - 0.01% Coverage

Perticot, father of Denise Perticot.

At present, the land is planted with sugarcane by Solitude Sugar Estate, belonging to Harel family.

Case 2 Désiré Jean Pierre

Reference 336 - 0.01% Coverage

land belonging to the family.

Searches undertaken by the Commission revealed in the "Case Hypothécaire" of Alfred Lisette, there existed a plot of land of extent 95 perches which has been sold to Beau Séjour Sugar Estate at Pamplémousses on 19th February 1894 as evidenced by TV 209 No. 87.

There is no plot of

Reference 337 - 0.01% Coverage

are occupied by several persons.

He further states that his grandmother had purchased the land from Trianon Estate, together with the shop. His grandparents lived on the land.

One Ahmed Sayed Hossen had

Reference 338 - 0.01% Coverage

0112/VF/ANTHONIMOOTOO GEORGES CHRISTIAN

The applicant, George Christian Anthonimootoo, writes that one Ramparsad, a CHA tenant, has erected a wall, blocking the entrance to all inhabitants of C.H.A Housing estate, Hibiscus Road in Grand Bay on a State land. The inhabitants can no longer use this plot of land for their cars. They are aware that the plot of illegally.

land belonging to Government cannot

Reference 339 - 0.01% Coverage

2010 to raise the issue.

As it is a problem which concerns a CHA Estate, Mr. George Christian Anthonimootoo has advised to contact the above Ministry.

\*\*\*\*\* CASE NAME: FIGARO & PERNE TJC

Reference 340 - 0.01% Coverage

L/L/0117/ LECERF SYLVIE

Sylvie Lecerf put two cases before the Commission for assistance. In both cases, the applicant felt that she has been dispossessed of her inheritance by the Beau Champs Sugar Estates and by the Church.

Case 1 According to the

Reference 341 - 0.01% Coverage



the land was left unoccupied.

Estates. Sugar cane is being cultivated there and a hotel also has been built on the land. Lecerf family wants justice to be done and compensation for the illegal occupation of the land.

Case 2 Robert Lecerf owned

#### Reference 342 - 0.01% Coverage

he produced a Constat Report.

The claim to the effect that the plot of land of 2/3 Arpents at Savanne allegedly prescribed by Britannia Sugar Estate does not hold.

Case 2: It is an

#### Reference 343 - 0.01% Coverage

GEORGES FRANCE TJC/L/0147

Rosemonde Camangue claims to be an heir of René Jacques and submitted several documents to sustain her averment. In 1827, René Jacques, "homme de couleur", she avers, was the owner of 120 Arpents in the "quartier de la Savanne". Out of this property, a plot of land of an extent of 20 Arpents was leased out to Gros Bois Sugar Estate for a period of 3 years as from 22nd February 1867. The lease was made between Jacques, the children and the estate. In spite the fact that Gros Bois Estate did not pay completely the lease they continued to occupy the land after the agreed period of 3 years. The Estate and Notaries declared that the heirs have sold the land to one Chuttoo, to one Churendoss and other people

#### Reference 344 - 0.01% Coverage

is also a fraudulent one.

The applicant's Grandfather, Michel Camangue, and Grandmother, Rosemonde Camangue, called on Britannia Sugar Estate for an interview. A petition was sent to the Attorney General but the family was advised to contact Chief Justice Office, avers Rosemonde Camangue.

The heirs made a "manifestation

#### Reference 345 - 0.01% Coverage

the heirs of René Jacques.

A declaration was made to the Police against Britannia Sugar Estate. The answer was that the case is a civil one and the Camangue family may have recourse to civil remedy.

A permit to develop for an excision of a plot of land of an extent of 8441.74 m<sup>2</sup> out of the 506842.06m<sup>2</sup> belonging to the heirs of late René Jacques, for agricultural purposes was granted to Rosemonde Camangue. She adds that one J. Sylvain Ricaud, one of the heirs, is at present receiving a certain sum of money from the Estate.

The family wants justice to

#### Reference 346 - 0.01% Coverage

6 Arpents 66 perches each.

However, only 20 Arpents out of the 120 Arpents were leased to Grand-Bois Estate for a period of three years prior to the division in kind.

Estate continued to occupy the land. Searches at the Registrar General's Office carried out by the Commission in the names of

• Louis Evénor Jacques; • Marie Louise

#### Reference 347 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Sookharry, his brother Lutchmun and Hareeparsad Narrain, a relative were the owners of a sugar estate. He further avers that a false affidavit has been sworn to the effect that the grandfather, Balgobin Sookharry died without any heir.

Lutchmun Sookharry was married to

#### Reference 348 - 0.01% Coverage

76 perches and 3 Arpents.

A "Mise en demeure" was served to (i) Sunway Estates Limited and (ii) Vijawtee Lutchigadoo requesting both of them to: (a) refrain from parceling out the aforesaid portion of land; (b) to reinstate the land to its original state; (c) to remove all buildings materials, etc. and (d) to refrain from entering the land and interfering with the peaceful enjoyment of the heirs.

From the Documents mentioned above

#### Reference 349 - 0.01% Coverage

applicant

states that the State

Investment Trust was launching a "Morcellement" process not far from the plot of land. Due to the unknown extent of the land, he does not know whether they are occupying his plot of land or not. But according to him, the limits of the land are in the surroundings of the Balissage Sugar Estate, Britannia Sugar Estate and Joli Bois Sugar Estate.

The applicant further submitted another

#### Reference 350 - 0.01% Coverage

heirs of Laridain consisting of

descendants of Abel Laridain, father of Juliana, and Henri Laridain, brother of Abel. The plot of land was leased to the Bel Ombre Sugar Estate by the heirs Laridain. Each year, Bel Ombre Sugar Estate paid a rental to the heirs Laridain. Both applicants aver that their mother never saw the colour of the money, as Henri Laridain was the only person who received the money. Gisèle and his brother, Louis Rolland, Berthelot remember that Henri Laridain told their mother that the title deed was in his possession.

After the death of their

#### Reference 351 - 0.01% Coverage

also live on the land.

Marcel Laridain was called by the Commission to explain the whole affair and to say if, indeed, he received the rent from Bel Ombre Sugar Estate. While deponing, under oath, he maintained that that was never the case and was not aware of any land belonging to the Laridain family in the region of Chamarel.

In December 2010, Louis Roland

#### Reference 352 - 0.01% Coverage

BATOUR MARIE RENE born LAVIOLETTE

Marie Renée Batour, born Laviolette, the applicant, says that she came to know that her ancestor Jacques Laviolette owned three plots of land at Rivière Noire, Petite Bel Air (Ruisseau-des-Délices) and Mahébourg. According to her, those plots of lands have been taken over by different sugar estates of the said regions. The plots of land belonged to applicant's grandfather and she says that she is one of the heirs of the land. However, the applicant does not know the exact location of the land.

In her request to the Commission, she says that either the Sugar Estates should buy the land and give them money or they return back the land to the heirs.

In support of her claim

#### Reference 353 - 0.01% Coverage

the the affidavit establishing all

the heirs entitled to apprehend the estate and Truth and Justice Commission 250

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#### Reference 354 - 0.01% Coverage

of land for that purpose.

Elian Pascal adds that, according to him, the land had started to be neglected as from the 1860s, with Joseph Fernand Auffray, the applicant's great-grandfather, the one who had inherited the land during this period. He declares that someone has told him that the land is actually being occupied by the Savannah Sugar Estate; and he points out that after having made more in-depth searches at the Mauritius National Archives and other institutions, he has found no records mentioning the sale of the land. He concludes in underlying that he actually does not know the precise location of the land.

His request to the Commission is to locate the land, to investigate whether if the land has been illegally taken over by the Savannah Sugar Estate and if yes, when? He also wants to know whether the land has been prescribed by the Sugar Estate above-mentioned.

According to the records of

#### Reference 355 - 0.01% Coverage

## REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

On 4th February 1985, Bernard wrote a letter to Eddy Labat, the former Administrator of Constance & La Gaieté Sugar Estate. He was answered by Labat in a letter dated 15th March 1985, that the sugar estate could not retrace this transaction. He suggested to Bernard to do all necessary searches and to come back to him once he had all relevant documents to study their authenticity.

On 7th February 2005, Serge

### Reference 356 - 0.01% Coverage

away on 5th October 1896.

It appears that the plot of land was declared a vacant estate and the then Curator of Vacant Estates, Huët de Froberville, obtained possession of this land together with other lands. He sold the said plot of land on 15th July 1918 to Eugène Solesse for the price of Rs. 80 as evidenced by TV 329 No. 604.

In a letter dated 16th September 2010, R. Lutchmun, the Curator of Vacant Estates, informed the Commission that he could not trace out any record of any payment effected to the descendants of Goteea 154635 and others.

In fact, there is no record at the Office of the Curator of Vacant Estates concerning how the Curator has been vested with the property, nor is there any document to shed light as to whether the sale price has been paid.

\*\*\*\*\* CASE NAME: TRIME TJC/L

### Reference 357 - 0.01% Coverage

help him recover his money.

Case 2 On the other item of land recovery, the applicant says that his grandfather, Jugdarry Dalmond, purchased 2 portions of land from Médine Sugar Estate. The two portions of land are respectively 2.2 Acres of land at Bassin Road, Quatre-Bornes and 2.2 Acres at Palma, Quatre-Bornes. The applicant does not remember the year of purchase. The father of Jugdarry Dalmond had nine heirs including the latter. However, the Civil Status Office does not recognize Jugdarry Dalmond. The latter died at the age of nineteen and the remaining eight heirs sold the land. Applicant says that the land belonged to the heirs of Jugdarry Dalmond and an injustice had been committed on them. They did not receive anything but they were aware when the land was being sold. The father of the applicant, Bennymadoo Dalmond, was sick and admitted to hospital for one month and he could not do anything. The applicant was asking himself how the authorities could have allowed this sale, without taking care of the heirs of Jugdarry Dalmond.

Dewanand Dalmond requests the Commission

### Reference 358 - 0.01% Coverage

claiming belongs to Jugdarry Dalmond.

He further adds on 15th March 2010, whilst discussing his case at the Commission that when his grandfather purchased the land from Médine Sugar Estate, he was given a receipt. He asks also that the Commission looks for that receipt at the Mauritius Archives.

After searches and analysis of

#### Reference 359 - 0.01% Coverage

Office have revealed the following:

In virtue of a Notarial deed drawn up by Notary, Paul Baissac dated 15th October 1913 and registered in CL 57 No. 1587, the Mauritius Estates and Assets Company Limited sold to l'Indienne Adycalum No. 337790, wife of Thomadoo No. 337789 a plot of land at La Louise of the extent of 92 perches and bounded by the survey report of S.L.S Parsons dated 7th October 1913 registered in Register in L.S11 No. 860.

It appears that as per

#### Reference 360 - 0.01% Coverage

ELISE MARIE MARCELINE (BORN BERNARDIN)

The applicant, Marie Marceline Elise, says that she leased a plot of State land, obtained through the Central Housing Authority (CHA) located at No. 10 Chebel Housing Estate. She mentions that with much effort and sacrifice she got the permission to build a tobacco shop ("tabagie") annexed to her house on that plot of land. However, the poor condition of the building prompted her to take a loan of Rs. 225, 000 from The Mauritius Housing Corporation (MHC) for renovation purposes. As the previous loan was not enough to complete the works, she applied for an additional loan of Rs. 50, 000 at the MHC. The loan was refused and MHC gave as reason that applicant did not have the relevant document from CHA.

Marie Marceline Elise was requested

#### Reference 361 - 0.01% Coverage

wants to get land back.

In a second claim, the applicant adds that his grandfather also owned an estate at Belle Rive. He does not know the exact location. When his grandfather died, the Island Estate took over the land. Moreover, he says that there are many prescriptions on the land and that he does not possess any document concerning this land.

Searches carried at the Mortgage

#### Reference 362 - 0.01% Coverage

L/204 ROUSSEL DESIRE EMMANUEL

Désiré Emmanuel Roussel, the applicant, says that his great-grandparents possessed a plot of land of 325 Acres at Plaine Magnien. He avers that the Mon Désert-Mon Trésor Sugar Estate cultivates sugarcane on the land. The applicant says that he is unaware of the history of land. He came to know about it by doing searches at the Archives.

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#### Reference 363 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

that the 5 Arpents of land belonging to the heirs Devanny has been wrapped up and sold by Bel Ombre Sugar Estate to the "Société de l'Abondance" in 1999 by virtue of TV 456 No. 382 and TV 456 No. 383.

The evidence gathered during this hearing shall enable the Commission to call Bel Ombre Sugar Estate. The Commission should also consider the possibility of calling the surveyor for the applicant and the surveyor for Bel Ombre. It is the opinion of the Commission that blocking access may be one of the means that sugar estates use to wrap up surroundings lands not belonging to them.

The case is still before

#### Reference 364 - 0.01% Coverage

TJC/ L/0213/RAMTOHUL TRITIKUMAR

Tritikumar Ramtohul, the applicant, avers that Bel Ombre Sugar Estate leased and sold marginal land, due to a lack of finance and manpower, to planters.

The applicant underlined that he

#### Reference 365 - 0.01% Coverage

The applicant underlined that he

purchased this land from two planters ten years ago. He now owns seven acres of land at SainteMarie. He cultivates the land. There was a decrease in the price of sugar cane and an increase in the price of fuel. This increased the cost of production. Bel Ombre Sugar Estate proposed to 109 planters to vacate the land and compensate them. 104 planters signed and accepted the deal. Five did not, including the applicant. The Sugar Authority acted as a regulator between the applicant and Bel Ombre Sugar Estate. But the applicant avers that the Sugar Authority acted in favour of the Bel Ombre Sugar Estate.

Tritikumar Ramtohul had a meeting

#### Reference 366 - 0.01% Coverage

Grenier with St. Félix Sugar

Estate, for the period 1950-1967. The applicant declares that in 1967, his father was deprived of "métaying" rights from St. Félix Sugar Estate.

Kulwantsing Sreepaul states that the

#### Reference 367 - 0.01% Coverage

them could get proper education.

He wishes the Commission to investigate why St Félix Sugar Estate took back the land as well as the "métaying" rights from his father.

- He wants himself and his siblings to receive financial compensation or plot of equivalent to that which his father had under "métayage" with St. Félix Sugar Estate.
- As he has a daughter

#### Reference 368 - 0.01% Coverage

TJC/ L/0214 KHISTO JAYSING

Jaysing Khisto brought two cases before the Truth and Justice Commission. In his first application, he sustained that his grandfather (Samchan/Sam Khisto) was occupying the Barachois Estate, Tamarin (801 Acres) as administrator. One L'Oiseau was working with him and knew all his secrets. When Sam Khisto passed away, L'Oiseau, from what the claimant says, fooled the uncles of the applicant to take loans and he took the money. The uncles could not repay the loans and they lost the land. Actually, one Dr. Jubhoo is occupying the land. The applicant explains that he tried to contact the actual occupier, but in vain. He adds that the tomb of his grandfather was located on the land but had recently been demolished. He also adds that his sister, Pushwantee, lived on the land for a period of 8-10 years.

Jaysing Khisto wishes to get

#### Reference 369 - 0.01% Coverage

L/M/217 TATTEEA BAJEERAO

The applicant, Bajeerao Tatteea, is a "métayer" and was cultivating a land of 4 Arpents at Bel Ombre, more precisely at Section D'Ambris. He states that Bel Ombre Sugar Estate will take back land and supposedly, on Friday 14th May 2010, compensate all "métayers" financially or offer them a plot of land.

The applicant wants to be fixed as soon as possible whether Bel Ombre Sugar Estate will compensate him or offer him a plot of land.

This is a case of

#### Reference 370 - 0.01% Coverage

no bearing on the issue.

From a deed referred to as "acte de notoriété après décès" Ramduth Seeruttun passed away on 15th April 1995 and left as sole heirs to apprehend his estate and succession his 8 children.

It follows,

therefore, that the

#### Reference 371 - 0.01% Coverage

L//M/0220/ RAMCURUN PREMDUTH

Premduth Ramcurrn, the applicant is a "métayer" and has 6 Acres 4 perches of land under "métayage" at Sainte-Marie, Montagne Chapeau with Bel Ombre Sugar Estate, for the period 1959-

2010. Initially the father of the applicant worked on that land and, in 1992 transferred to on the applicant's name. Premduth Ramcurrn says that he is not satisfied by the way Bel Ombre Sugar estate is reacting towards him. He claims that Bel Ombre wants the said plot of land back.

The applicant enumerated several hardships

#### Reference 372 - 0.01% Coverage

L/M/0221 GOBERDHUN SATOORAM

The applicant, Satooram Goberdhun, is a "métayer" and has 4 Acres 5 perches of land under métayage at Bel Ombre with Bel Ombre Sugar Estate, for the period 1968-2010. The father of the applicant initially worked on that land and, in 1995, transferred it to

#### Reference 373 - 0.01% Coverage

it to the applicant's name.

Goberdhun is not satisfied the way Bel Ombre Sugar Estate is reacting toward him. Also he claims that Bel Ombre want back the said plot of land. He agrees to return back the land but does not agree with the compensation Bel Ombre is giving.

The case of the "métayer

#### Reference 374 - 0.01% Coverage

L/0223 PERMAL MAURICE ROLAND

The applicant, Roland Maurice Permal, mentions he is heir to a plot of land of 312 Arpents located at Providence, Quartier Militaire, to which his mother-in-law, Marie-Thérèse David, is the sole heiress. The applicant declares that the land was bought initially in 1862 by Emmanuel Lanappe, the grandfather of Marie-Thérèse David. However, according to the applicant, in 1864, Emmanuel Lanappe was prohibited from accessing the land through a legal 'gain de cause' won by Mon Désert Alma Sugar Estate.

The applicant cited the existence

#### Reference 375 - 0.01% Coverage

and often has to shift.

After analysis of this request at the Commission, it was found that late Joseph Zephyr was a tenant of a CHA house at Cité La Caverne. He passed away on 26th May 1997, and according to an affidavit drawn up after his death, he left Gabriel Latire as sole heir to apprehend his estate and succession.

It is understood that J

#### Reference 376 - 0.01% Coverage

ARLETTE great-grandfather, Yyempermal, from

Tanjavoor, worked for the Ceylan Tea Limited Company during colonial times. While working for the company, he bought a plot of land of 10 Arpents at Beau-Songes for Rs. 7,000. In Document No.1 submitted, it is mentioned that the same plot of land was sold for Rs. 1,200. When applicant's great grandparent passed away, the land was left unoccupied and Médine Sugar Estate Company occupied less than 5 Arpents approximately. The company erected a building on that land. The rest of the land belonging to the applicant is still unoccupied, and she wants to get the plot of land back.

She called at the Office of the Commission on 8th February 2010 and enquired about the land of Yyempermal. The Commission Land surveyor, having taken cognizance of her case, talked to Vince Ramsamy, the Surveyor of Médine Sugar Estate. The latter said that he is prepared to help the lady. A site meeting was organized between Marie Arlette Roméo and Vince Ramsamy and it was agreed that both



parties would inform the Commission of the outcome of that meeting. In the meantime, the applicant has asked another Land surveyor, R. Bhurtun, to accompany her on site the very day of the meeting. Nothing was heard about the

#### Reference 377 - 0.01% Coverage

1883 for the 2 plots.

It appears that there is, on one of the sites, a concrete building erected by Médine Sugar Estates. Mrs Marie Arlette Romeo should

#### Reference 378 - 0.01% Coverage

was divided into two parts.

She was told to keep on paying till the day the State grants her permission to buy her plot of land. She writes that she wants to know if she will own the plot of land one day, just like those who have already earned a plot of land in the housing estate.

She requests the Commission to

#### Reference 379 - 0.01% Coverage

Housing and Lands (CHA unit).

This is a State land, within a CHA estate, which falls under the responsibility of the Ministry of Housing and Lands. The applicant has been requested to contact that Ministry for a proper land survey and in order to sort out the confusion on the site occupied by her.

CASE NAME: BABYLONE/VALLY TJC

#### Reference 380 - 0.01% Coverage

VALLY TJC/L/ 0231Emmanuel Babylone

Emmanuel Babylone claims the ownership of two plots of land which he avers belongs to the "ancestors Vally", as mentioned in a Memorandum of survey dated 12th September 1919. He avers that Medine Sugar Estate is occupying the two plots.

In support of his claim

#### Reference 381 - 0.01% Coverage

one corner "ancien cimetière Vally".

The Commission has also taken note of a notarial deed drawn up by Jean Jacques Montocchio, on 1st October 1989 which witnesses an agreement between Médine Sugar Estate and Ange William Balou, also known as Ange Balou, whereby, against payment of Rs. 300,000, Ange Balou would renounce in favour of the Company whatever rights he may have on the portion of land of an extent of 5 Arpents 36 and also would withdraw the claim for damages he lodged against the Company (statement of claim dated 9th April 1948).

Company "comme seule et incommutable

#### Reference 382 - 0.01% Coverage

la dite portion de terre".

Based on the documents produced, the Truth and Justice Commission is of the opinion that the owners, by title of the 5 Arpents 00, are the heirs of Celestine Bretonache, wife of Francois Vally. Neither Ange Balou, nor Médine Sugar Estate has a clear title to the said portion of land.

The deponent has also left

#### Reference 383 - 0.01% Coverage

V. Khermann, 1st February 1932).

This portion of land has been acquired by Médine Sugar Estates in terms of TV 433 No. 416. It is not known on which part of the land the burial ground is located.

The Truth and Justice Commission recommends that those in the rights of the late Clémentine Bretonache, wife of François Vally, should take up the issue of ownership of the two plots of land with Médine Sugar Estate. They should seek legal advice regarding their claim.

burial ground, the Commission is of the opinion that those in the rights of the persons buried on site should pursue the matter with Médine Sugar Estate regarding access to the land.

The plot of 13 Acres

#### Reference 384 - 0.01% Coverage

his properties, does not stand.

In fact, Louise Belle, together with other members of her family, namely Victorien and Victorine, were the "domestiques" of Mathurine Michelle who lived on the "La Ressource" Estate at Rivière-du-Rempart. She was "rougeâtre", measured "1-56 m avec une cicatrice au front et au lèvres supérieure", as described at Reference No. T71 596-597 of the Slave Data 1826.

Being given that Jean Faoulez

#### Reference 385 - 0.01% Coverage

##### ASPECTS RECOMMENDATIONS THE COMMISSION FINDS

- The Commission has observed that affidavits have been sworn by witnesses who do not know the deceased person and the persons who are entitled to apprehend the estate and succession of the deceased person. These persons are called "professional witnesses" and swear affidavits upon payment of a sum of money. These persons are found lurking near the officers of Attorneys and Notaries and offer their services whenever needed.

- The Commission has also observed

#### Reference 386 - 0.01% Coverage

## LAND UTILISATION AND ITS CONSEQUENCES

In the early French period, the land policy was geared towards agriculture, the policy of gentleman farmer, a series of estates dotted all over the island. Only a small percentage, however, was put to use.

The term "Crown Land" probably

### Reference 387 - 0.01% Coverage

that Crown lands became imprescriptible.

The 1880s saw the emergence of the small planters community with the first "Morcellement" of private lands mostly sugar estates. This policy gathered momentum, increasing steadily till the 1920s, with the result that small planters owned some 33,770 hectares, that is, 45% of the land under sugar. The Wilberforce Report of 1911 brought in the creation of the Cooperative Credit Societies in 1913, with the object of providing crop loans to the small sugarcane planters at reasonable rates of interest.

## STATE LANDS TO INDIVIDUALS GROUPED

### Reference 388 - 0.01% Coverage

housing, rehabilitation, after cyclone Gervaise.

The new Government focused its attention on: rehousing schemes, the extension of Primary and State Secondary Schools in 1968, communications improvement with the creation of the First Highway Project, the Northern Entrance Road, Relief Roads to the North, the Phoenix-La VigieMahébourg Road, better control on the main agricultural sectors, mainly sugar cane and tea, through the acquisition of the Rose-Belle Sugar Estate and the Nouvelle France Tea Estate in 1973, and the acquisition of land for the Plaine-des-Roches Airport Project (which has been shelved), while reclaiming, at development.

the same time, land from

### Reference 389 - 0.01% Coverage

## FINDINGS AND RECOMMENDATIONS LAND DISPOSSESSION

The setting up of the Truth and Justice Commission has created high expectations within the Mauritian population at large. Different people had different interpretations of the true mandate of the Commission, particularly as far as land is concerned. Most of those who presented themselves before the Commission were of the opinion that the TJC would do the utmost to retrieve the land that their ancestors might have possessed at different periods of our history. While others thought that they would be compensated for the land they probably owned and which they have lost. This perception has, moreover, been emphasized from certain quarters who have led people to believe that the Commission has been created, first and foremost, to take back large portions of lands, especially from sugar estates, and to undertake an equitable redistribution among the less privileged and those lower on the economic and social ladder.

Very few people were aware

### Reference 390 - 0.01% Coverage

respondents have lost their lands.

Those from East and South-East (Flacq and Grand-Port Districts) related the same: • "She claims that her great grandfather was given land (around 10 acres) by the owner of Sans Souci Sugar Estate as he was the guardian of the weighing Bridge. But she doesn't have any document as no one in her family ever had any document. In the past, people even used to take permission from her grandfather to grow 'filao' on the land. Her brother still lives on the plot where the bridge was found. However, some years back, the land was being sold by a "courtier" upon the request of FUEL Sugar Estate. Even the small plot of around "140 toises" where she lives with her sisters and brothers has been sold to someone living in Rivière du Rempart. She is facing a legal battle. She claims that all her generations have lived on this land. She blames FUEL Sugar Estate to sell a land that didn't belong to them. My mother has also lost her land in St Julien d'Hotman. I also know the Lamarque family who now lives in Port-Louis, who have lost 75 arpents of land, which is currently being occupied by the sugar estate". – (R1);

- "Respondent says that her grandparents

#### Reference 391 - 0.01% Coverage

location to claim it". - (R2);

- He explains that his mother had land around St Julien d'Hotman but the land was lost with time. Respondent also explains how in the past, people use to stay on land without having any document to prove their ownership. Some did manage to get their "bordereau" to claim their land. In other cases, the sugar estate owners simply cleared bare or unoccupied lands and planted sugarcane on it. Sur to lack of financial resources, the owners never managed to claim back their lands. – (R3);
- "I know the Taï family of Flacq who had vast portion or around 100 arpents of land in Bel Etang. The elders didn't inform the upcoming generation about this land and it became unoccupied. The sugar estate had land on each side of the Taï property. First, they built a road across the unoccupied land. Little by little they cleared further land until they became the owner as no one is claiming the land. The Aza family also faced the same. When they claimed their land, the sugar estate in return claimed for much compensation for the money they invested in the land". – (R3)

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#### Reference 392 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

- "My father-in-law has lost a land in Olivia. He had bought the land. He even has the title deed, but the sugar estate didn't allow him to claim the land. I have handed the contract to the notary. My lawyer told me to give up even though I paid him Rs. 3000". (R5);
- "I have a land which

#### Reference 393 - 0.01% Coverage

even had my all my

- "My family, the Charlot had lots of land, but the sugar estate has grown sugarcane on it. They were too careless. The Whites took away the land". – (R7);
- "My mother has lost her

#### Reference 394 - 0.01% Coverage

arpents' of land". – (R 10);

- "In Camp Marcelin, there was much land that belonged to Creoles. But the sugar estates have taken the land from them". (R11).

Nine respondents claim to have

#### Reference 395 - 0.01% Coverage

claim to have lost land.

In most cases, the sugar estate owners have cultivated sugarcane on these lands. Due to lack of education and financial resources, they have not managed to get back their land. According to them, the whites were financially too strong to fight against and justice is too expensive to afford and with growing age the respondents have even grown weaker.

The surface of the land

#### Reference 396 - 0.01% Coverage

slave descendants lost their land.

Almost all the informants pointing out that their family have lost their land, either to the sugar estates or to members of other ethnic

#### Reference 397 - 0.01% Coverage

all analysed by the Commission.

Research work is even more strenuous concerning claims related to the sugar estates/companies.

Several families continue the fight against the sugar estates/ companies in or out of the Court or against the system of prescription: The Tancred (File TJC/L/ 0003), Kisnorbo (File TJC/L/ 0004), Lebrasse (File TJC/0009), Ramphul (File TJC 0047), Harmon (File TJC/L/0015), Webb (File TJC 0046), Ram Nauris (File TJC/L/0027, Toulet (File TJC/L/0153), Preaudet (File TJC/L/0161), Laridain (File TJC/L/0158), Babylone (File TJC/L/1231), Roméo (File TJC/L/0227), Bégué (Rodrigues case), Seetul (File TJC /L/0110), Beeharry (File TJC 0115), Ujodha (File TJC/L/0125), Chedumbrum (File TJC 0138), Aunacha (File TJC 0144), Moolchand (File TJC/L/0156), Dhunnoo ( File TJC/L/0173), Crouche (File TJC 0180), Magon (File TJC/L/ 0194 – 0314), Jaddoo (File TJC/L/0197), Bago (File TJC/L0102), Ramkhalawon (File TJC/L0202), Goodur (File TJC /L/0210), Naraisse (File TJC/L/0201) or Ragoo (File TJC/L/0212), among others.

Some of them have, during years, been confronted with the problem of non- access to their ancestors properties due to the fact that these plots of land are found in the areas occupied by sugar estates/ companies. In order to reach out these plots of land, the deponents had to undergo searches, support their claims by a Land surveyor's Report/ Constat Report on the very plots of land which are not accessible. If the Commission has been able to help some applicants, Tancred Danielle & Others – FUEL ( File TJC/L/0003); Devanny Oomadutsing – Bel Ombre (File TJC/L/M/208); Patrick Webb/Chang Kye – Espitalier- Noel Group (File TJC/L/0046); Bonnefin/Clency Harmon & Others – Medine (TJC/L/0015); Mayeur/ Cazalens/Kisnorbo – Deep River Beau Champs (File TJC/L/0004);

to open the long awaited

#### Reference 398 - 0.01% Coverage

factors which should be highlighted:

- The demand for more land and the rapid development of real estate has opened the door to a new breed of "Récupérateurs de terres". These individuals open and run modern offices, invest huge sums of money to better attract their clients, establish deals of 49%/51% or vice-versa, to retrieve lands with the promise of a better future for those who are in search of their heritage.
- Furthermore, some Land surveyors, seconded

#### Reference 399 - 0.01% Coverage

##### ASPECTS RECOMMENDATIONS THE COMMISSION FINDS

The Commission has observed that affidavits have been sworn by witnesses who do not know the deceased person and the persons who are entitled to apprehend the estate and succession of the deceased person. These persons are called "professional witnesses" and swear affidavits upon payment of a sum of money. These persons are found lurking near the offices of Attorneys and Notaries and offer their services whenever needed.

The Commission has also observed

#### Reference 400 - 0.01% Coverage

sugarcane. Plots of small planters,  
falling under block irrigation projects of Estate factories,  
should be legally swapped for

#### Reference 401 - 0.01% Coverage

of stock Government-owned land;

Reducing land speculation and curtailing the increase in land value; and Organising and regulating of a real estate market.

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#### Reference 402 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

15. Hall, D. 1978. The Flight from the Estates Reconsidered: The British West Indies, 1838-42, *Journal of Caribbean History* 10 & 11: 7-24.

16. Jumeer, Musleem. 1979. Les

#### Reference 403 - 0.01% Coverage

p. 6, 11, Annex VII.

12. Commission of inquiry on Sugar industry.1983. p. 167. 13. CSO. 2008-2009. Central Statistic Office. Annual digest of Agricultural Statistics. 14. FSC. 2009. Statistics of area of harvested canes in 2009. 15. Bodkin. G. D., 1932. Report on the working of Cooperative Credit Societies at the end of Year 1931. 16. Tempany. H. A., 1919. Report on the working of Cooperative Credit Societies at the end of Year 1918. 17. Tempany. H.A., 1923. Report on the working of Cooperative Credit Societies at the end of Year 1922. 18. Hooper, C. A. et al. 1937. Report of the Commission of Enquiry into unrest on sugar estates in Mauritius. 19. Meade. J. E. et

#### Reference 404 - 0.01% Coverage

rupees to feed his children.

All of them – men as well as women - have done different jobs, mostly because they were not employed on a regularly basis, but on a seasonal basis especially those who worked as labourers or kouper kann in the sugar-cane estates. They have not known security of employment.

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#### Reference 405 - 0.01% Coverage

and physically very exhausting ones.

For those who have not been in the civil service or on sugar estates, we find that they (both men and women) have changed jobs throughout their lives. Most of the time, this was dictated by the need to feed the family and primarily the children. We have accounts of men having to cycle for long distances to go for work when they could find work in neighbouring area. It was driven by the

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#### Reference 406 - 0.01% Coverage

where my ancestors came from.

R26 My grand grandmother is a catholic from Pondicherry. Their fathers were hairdresser, carpenter, shoemaker, mechanic, reared animals, had seasonal work such as sofer kamion pandan lakoup on sugar estates, coalmen. Six fathers went to the army. Mothers worked as maids, sewers, worked in aloe factories, planted peanuts.

R8 "My grandma was born

#### Reference 407 - 0.01% Coverage

oral transmission of family origins.

The parents were metal workers, labourers, wood cutters, fishermen, 'toiler' , 'chaudronnier', drivers, masons, stone cutters, seasonal workers on sugar estates. Women were maids, housewives (but often seasonal workers). Many worked for the whites and the respondents remember their dominant attitude.

For the respondents, the lives

#### Reference 408 - 0.01% Coverage

related to their grandparent's hardships.

R1 "My father's name was Laval Jackson. My mother's name was Simone Tuyau and is 81 years old. My great grandfather came to live in Lallmatie. Before that he was in the work of the Sans Souci Sugar estate. He was a slave of the British. He got married in Mauritius. My grandfather became an "engagé" (indentured labourer). He was doing the "Kalipa" (a fight like judo) without any money in return. My father was a planter. He was growing manioc, peanuts and manioc to sell. This is how he fed his eleven children."

R3 "My grandmother came from

#### Reference 409 - 0.01% Coverage

whites who were dominating them."

R9 "I was born on the Beau Champ Sugar Estate. I was working there with my father who was a head mechanic. My mother was a Boucherville and was a housewife. I don't know much about my grandparents. I'm a descendant of the Bazerks who had cousins (Germain) in Rose Hill."

R11 "My grandparents had their

#### Reference 410 - 0.01% Coverage

##### HISTORY OF DESCENDANTS OF SLAVES

R12 "My father was a "toiler" and 'chaudronnier' on the St Antoine Sugar estate. My mother died when I was four years old only. My grandfather (paternal) was a 'sirdar' and "colomb". My grandfather (maternal) was a veterinary on the FUEL Sugar Estate. My ancestors came from Madagascar. I don't know if they were slaves and what they were doing. I've heard about Le Morne where they were committing suicide."

R13 My father used to

#### Reference 411 - 0.01% Coverage

of being descendant of slave.

R1 She has a written document from the Nelson Mandela Centre for African Culture which states that her forefather came to Mauritius as a slave who came from South Africa. He first was working in the region of Plaine Wilhems then moved to Lallmatie to work for the Sans Souci Sugar Estate. He was the "gardien" of the weighing bridge. Her brother still lives on the plot where the ruins of the weighing bridge are found. Respondent claims loss land.

R4 He has a copy

#### Reference 412 - 0.01% Coverage

they are descendants of slaves.

For the respondents, the lives of their parent's grandparents and ancestors are characterised by poverty and hardships. At times, their narration is driven by emotions related to their grandparent's hardships. Their fathers were hairdresser, carpenter, shoemaker, mechanic, reared barber animals, had seasonal work such as 'sofer kamion pandan lakoup' on sugar estates, coalmen. Six fathers went to the army. Mothers worked as maids, sewers, worked in aloe factories, planted



Reference 413 - 0.01% Coverage

dépendances. Women were housemaids, «nenenn».

The other jobs: Seamstress, cabinetmaker, joiner, labourer, mason, woodcutter, bus driver, sacristain, railwayman, cook, vacoas bag and mat maker. The parents were metal workers, labourers, wood cutters, fishermen, 'toiler', 'chaudronnier', drivers, masons, stone cutters, seasonal workers on sugar estates. Women were maids, housewives (but often seasonal workers). Many worked for the whites and the respondents remember their dominant attitude.

The parents were metal workers, labourers, wood cutters, fishermen, 'toiler', 'chaudronnier', drivers, masons, stone cutters, seasonal workers on sugar estates. Women were maids, housewives (but often seasonal workers). Many worked for the whites and the respondents remember their dominant attitude.

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Reference 414 - 0.01% Coverage

1968 to live in a

longère (shed) and then in a cite ouvrière (working class estate) at Cité Briquetterie. Owns today a house but not the land

R6 Owns his house (in

Reference 415 - 0.01% Coverage

mother's house which is hers.

R14 is well off. He has a house which he rents and one in which he lives. He recalls that his family lost large plots of land because Médine Sugar Estate took them.

R15 rents a house in

Reference 416 - 0.01% Coverage

owns land in Quatre-Cocos.

R12 Lives on the FUEL Sugar Estate blocs. R13 Lives in a concrete house on a land inherited by his wife. R14 Lives in a concrete house on a land inherited by his wife.

All respondents own their land

Reference 417 - 0.01% Coverage

25 respondents have lost lands.

EAST AND SOUTH-EAST (FLACQ AND GRAND-PORT DISTRICTS) FINDINGS R1 She claims that her great grandfather was given land (around 10 acres) by the owner of Sans Souci Sugar Estate as he was the guardian of the weighing Bridge. But she doesn't have any document as no one in her family ever had any document. In the past, people even used to take permission from her grandfather to grow 'filao' on the

land. Her brother still lives on the plot where the bridge was found. However, some years back, the land was being sold by a "courtier" upon the request of FUEL Sugar Estate. Even the small plot of around "140 toises" where she lives with her sisters and brothers has been sold to someone living in Rivière du Rempart. She is facing a legal battle. She claims that all her generations have lived on this land. She blames FUEL Sugar Estate to sell a land that didn't belong to them. My mother has also lost her land in St Julien d'Hotman. I also know the Lamarque family who now lives in Port-Louis, who have lost 75 arpents of land, which is currently being occupied by the sugar estate.

R2 Respondent says that her

#### Reference 418 - 0.01% Coverage

its location to claim it.

R3 He explains that his mother had land around St Julien d'Hotman but the land was lost with time. Respondent also explains how in the past, people use to stay on land without having any document to prove their ownership. Some did manage to get their "bordereau" to claim their land. In other cases, the sugar estate owners simply cleared bare or unoccupied lands and planted sugarcane on it. Sur to lack of financial resources, the owners never managed to claim back their lands.

I know the Tai family of Flacq who had vast portion or around 100 arpents of land in Bel Etang. The elders didn't inform the upcoming generation about this land and it became unoccupied. The sugar estate had land on each side of the Tai property. First, they built a road across the unoccupied land. Little by little they cleared further land until they became the owner as no one is claiming the land. The Aza family also faced the same. When they claimed their land, the sugar estate in return claimed for much compensation for the money they invested in the land.

R4 Respondent has shown an "affidavit" whereby his ancestor, who came from France, has left 156 arpents of land for his children. The land is found in Black River and is currently being occupied by Médine Sugar Estate. The matter has been brought in front of the TJC. There's even a family cemetery on the plot whereby tombs bear the names of Jeannot.

R5 My father-in-law has lost a land in Olivia. He had bought the land. He even has the title deed, but the sugar estate didn't allow him to claim

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#### Reference 419 - 0.01% Coverage

had my all my documents.

R7 My family, the Charlots had lots of land, but the sugar estate has grown sugarcane on it. They were too careless "contant manzé boire" ('love to eat and drink, i.e. enjoying themselves)' The Whites took away the land.

R10 My mother has lost

#### Reference 420 - 0.01% Coverage

lost two 'arpents' of land.

R11 In Camp Marcelin, there was much land that belonged to Creoles. But the sugar estates have taken the land from them.

9 respondents claim to have lost land. In most cases, the sugar estate owners have cultivated sugarcane on these lands. Due to lack of education and financial resources, they haven't managed to get back their land. According to them, the whites are financially too strong to fight against. It a "David vs Goliath" situation. Justice is too expensive to afford and with growing age the respondents have even grown weaker.

The surface of the land

#### Reference 421 - 0.01% Coverage

that land.

#### GENERAL RESEARCH FINDINGS

Almost all the informants pointing out that their family have lost their land, either to the sugar estates or to members of other ethnic group or more rarely to their own kins. They were disposed of their land because they were illiterate and these injustices have to be repaired If land had been lost, it's because «dimounn finn anbet zot» and also because they were illiterate, or negligence. The surface of the land that was lost is very important ones. The surface of the land that was lost is very important. Had the respondents still owned them today, this would certainly have been an excellent way to better their future and overcome their poverty. Hence, these losses of land have deprived them from the opportunity of social mobility.

Some claim to have title

#### Reference 422 - 0.01% Coverage

very little to refer to

It would be tedious to make a list of the enormous contribution in terms of labour force of slaves and slaves' descendants/Creoles. In the plantation sector, in sugar cane estates and textile and other factories (sack). In Free Zone and tourism. Listening to their life history would be enough.

The economic contribution is tremendous in the plantation sector, in sugar cane estates and textile and other factories (sack). In Free Zone and tourism, black women were called "putes" because they dared to work in these sectors.

Of course, this contribution is

#### Reference 423 - 0.01% Coverage

#### SLAVES LOWER PLAINES WILHEMS FINDINGS

1. Whites are seen as being those who were responsible for the fate of slaves. They were cruel and arrogant. They are those who possess 70% of all lands in Mauritius; they have taken lands from Creoles. Médine Sugar Estate is cited as an example. Today Whites are still those who are the masters in hotels. Workers still suffer from them. Many respondents, specially the women, have worked "dan lakour blan". Those who have French or white ancestors acknowledge it.

2. Indian, African and Malagasy

#### Reference 424 - 0.01% Coverage

refuse to return to slavery.

The government refuses to increase salaries as they do not know their value. For example, a gardener works for 3,500 rupees per month which currently is worthless and is merely slavery but without chains. For five years Harvey has been working for an estate in conditions of quasi-slavery, working for a meagre living only. Furthermore, even though the government

#### Reference 425 - 0.01% Coverage

##### RIVIÈRE DU REMPART DISTRICTS) FINDINGS

1. For generations R1 family has been working for a sugar estate located in the north of the island. Her maternal grandmother and her great grandfather on her father's side and her mother were sirdars (English. Translation: overseer). She explained that the sardars were Creoles and Indians (referring to IndoMauritians) while the colomb (Eng. Trans.: overseer) were the Whites or Mulattos that were the proprietors of the estate. She testified that during her grandmother's period, the supervisors used to give instructions to the sardar to beat the labourers but when her mother was a sirdarine (Eng. Trans. Female overseer) they did not ill-treat the labourers. Her parents also told her that her great grandfather's supervisor beat him to death and to buy his silence the colomb gave him a plot of land on which her cousins are living now.

2. When questioned on the

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Table 3: Indian Population on Sugar Estates by Sex and Immigration Origins in Black River District for the Year 1871 Table 4: Population enumerated at each census by district and sex, 1846 to 2000

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##### SLAVE CAMP CITÉ: LA MIVOIE

GLOSSARY Bonhom and Bolom: Old man Boutik: Shop Brize: Clearing in the wood Chassée: Hunting grounds CHA: Central Housing Authority Cité: Low Cost Housing Estate Concubinage: Cohabitation Kan: Camps Kanal: Canal Karo: Plantation Ladig: Dam Lakaz Lamiant: Asbestos houses Longère: Longhouse Pon: Bridge Morcellement: Residential development Sime: Road or path Tabagie: Small Retail Shop  
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#### Reference 430 - 0.01% Coverage

##### Cité EDC Grande Rivière Noire.

It is a low cost housing estate situated on the western coast of Mauritius in the Black River District. It is located at the southern end of the village of Grand Rivière Noire, before the village of Petite Rivière Noire. To meet its objectives, this

#### Reference 431 - 0.01% Coverage

##### situation of the local inhabitants.

The social survey focuses on the social life in Cité La Mivoie in an attempt to gain a deeper understanding of, firstly, the social organisation in the Cité, secondly, the ethnic relationships within the housing estate, thirdly, the gender relationships and family patterns in the Cité, fourthly, the settlement in Cité La Mivoie, fifthly, its housing conditions and sanitation and finally the social conditions of the residents.

This social survey reconstructs the social evolution of Cité La Mivoie from the perspective of the local population aiming at assessing the local social conditions and identifying the social problems the residents are presently facing in order to make recommendations to address the problems identified and ultimately improve their social conditions. The economic survey focuses on the economic life in the Cité in an attempt to gain a deeper understanding of, firstly, the infrastructural development of the village of Petite Rivière Noire and the Cité, secondly, the occupation patterns in the housing estate during the 20th century, thirdly, the educational patterns within the Cité and finally other economic problems that the local residents are facing. This economic survey reconstructs the economic evolution of Cité La Mivoie from the perspective of the local population and aims at assessing the local economic conditions and identifying the economic problems the residents are presently facing in order to make recommendations to address the problems identified and ultimately improve their economic conditions. Field research concluded that Black River village is at a transitional stage facing a population expansion with the mass influx of human resources as well as economic resources. High population density will in the end cause more economic problems related to security, space and natural and environmental resources.

Albeit, some local inhabitants have

#### Reference 432 - 0.01% Coverage

##### CITÉ: LA MIVOIE 2. INTRODUCTION

Cité La Mivoie also known as Cité EDC Grande Rivière Noire is a low cost housing estate located at the southern end of the village of Grand Rivière Noire, in Black River District. (See Appendix 2)  
Black River District is the

#### Reference 433 - 0.01% Coverage

was estimated at 2,5714.

However, based on the electoral list of 2010, the resident population in the Cité was estimated at 5,000. Statistics on Grande Rivière-Noire VCA are included in this report for referencing purposes only and it should be emphasised that they do not reflect the social and economic reality of the Cité. Established in October 1989, the Black River District Council Area is the youngest local authority composed of 13 Village Councils Area (VCA). Prior to its setting up, under the French period, Black River was a division of the Plaines Wilhems district and, later, the district was under the jurisdiction and administration of the Moka/Flacq and Grand Port/Savanne District Councils respectively. The Cité (Eng. Trans. Low Cost Housing Estate) falls under the administration of the Grande Rivière Noire VCA.

As per the Local Government

#### Reference 434 - 0.01% Coverage

the district experienced demographic changes:

The Northern part benefitting from better water supply, more roads, and large plantations developing into sugar plantations in the 19th century. In Southern Black River which starts from the village of Black River going southwards, the story is very different. There were few roads; it was dry with little major economic activity except for the large estates which did not necessarily produce crops because of lack of rainfall and small scattered populations. The state of health was a preoccupation throughout its history as was the problem of communication... (Teelock (2010, p. 51),

According to Teelock (1998), in

#### Reference 435 - 0.01% Coverage

lived in Black River.<sup>7</sup>

Emancipation led to the emigration of two-thirds of the slave population out of the district. 'As the Stipendiary Magistrate stated, only one third of ex-slaves were left and were replaced by other exslaves from other districts as well as by indentured immigrants. However, their exact location is not known. We know they left the large estates because returns from these large estates show only a handful of ex-apprentices listed as working there. Stipendiary Magistrates also reported that few wanted to stay on large plantations, but they probably stayed close to smaller estates or moved to where they could settle or purchase land'.<sup>8</sup>

With the arrival of the

#### Reference 436 - 0.01% Coverage

of the Census of Mauritius

The population of Indian origins in the Black River region came essentially from Madras and Calcutta and the men outnumbered the women. Some of them were living on estate land while others were not living on Sugar Estates (Tables 2 and Table 3).

6,831

10,091 17

Reference 437 - 0.01% Coverage

CITÉ: LA MIVOIE Table 2

Indian Population Not on Sugar Estates by Sex and Immigration Origins in Black River District for the Year 1871 Sex/Immigrant Calcutta

Female3

Males 1138 467

Madras

Reference 438 - 0.01% Coverage

Census of Mauritius Table 3

Indian Population on Sugar Estates by Sex and Immigration Origins in Black River District for the Year 1871 Sex/Immigrant Calcutta Madras

Females

Males 1084 408

386

Reference 439 - 0.01% Coverage

of the Census of Mauritius

Oral history revealed that until 1960 the local people were still living in the camps on the surrounding estates and after the construction of the Cité La Mivoie under the Cyclone Housing Schemes of the Central Housing Act of 1960, people moved from the neighbouring localities to settle in the housing estate.

The settlement of the Cité

Reference 440 - 0.01% Coverage

mo pa truv nenryen...9

(Eng. trans:...The housing estate...you know what is happening...why the housing estate is shattered because people now are too focused on MMM they have placed their hope in the MMM. They use politics lots...but the environment has improves...there are no drug abuser, there are no heroin addict...but it is because of politicians it is not developing...how long has Ganoo been here? 25 years in this (electoral ward)...I see nothing...)

Over the past ten years

Reference 441 - 0.01% Coverage

you, you need make efforts)

The Cité has its own internal organisation similar to a 'kinship' system. It is a discrete unit with distinctive identifiable values such as a strong sense of collectivism and comradeship and social systems different from that of other housing estates.

As stated by Emilienne Faron, Nicole Papeche and Marie France Hippolyte respectively '...sak Site ena so diferans. Tou pa parey. Sak Site ena so diferans...'12 (Eng. trans. Each housing estate is difference. They are not similar. Each housing estate is different) and Cité La Mivoie is '...fason viv monn gagn enn site spesial...Mwa mo trouve nou enn ti pe pli vivan parski la to trouv dimounn dan simin me ena site to ale pa trouv personnn... saken konn so kamouad isi...'13 (Eng. trans. [Our] way of living, I have a special housing estate...I find that we're a little more lively because now you see people on the road by there are housing estates when you [go there] there is no-one on the road...We know each other).

Indeed, the Cité can be

#### Reference 442 - 0.01% Coverage

property and individualism are absent.

The centre of the housing estate is its most densely populated and lively part – along Sime Boulodrome (Eng. trans. Boulodrome Road) – that represents its heart. The arms and legs form the periphery of the Cité that corresponds to Sime Quatre Saisons (Eng. trans. Four Season Road) and Sime Eucalyptus (Eng. trans. Eucalyptus Road) (Map 1).

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#### Reference 443 - 0.01% Coverage

d to be roote

h

Cité and the residents t ousing estate form its h

he blood head and

who

#### Reference 444 - 0.01% Coverage

ou pa pou touv...17

(Eng. trans: Would you say that the housing estate has its own culture? Behaviour?...How shall I tell you that? As usual behaviour that others criticise. You will see them walk bare footed. Walking bare footed and you can see them sit on the road. They have lunch there, they keep their nappies there, they feed their babies there, they clean their greens there. Instead of sitting in their yard, but maybe I understand that space is limited. Whatever, I repeat myself, there are families that are aloof, they remain at home and you will not see their children).

The Cité functions like a

#### Reference 445 - 0.01% Coverage

problems identified for this report.



It might be a cultural shock for people, who do not know the living conditions on estates and in underprivileged localities, when entering the housing estate and observing the lack of hygiene, the poor living conditions and housing conditions that do not conform to the modern standards and norms.

However, even if from an

#### Reference 446 - 0.01% Coverage

THAT ARE POTENTIAL HERITAGE SITES:

More sites were identified in the Black River Gorges and on the surrounding estates. Some could not be located exactly as they are found inside the gorges and inside the estates. (Appendix 3)

- Basin Zigret (Eng. trans. Egret

#### Reference 447 - 0.01% Coverage

to Tamarin Falls...)

- Brize<sup>29</sup> Dharma:

It was named after a Bombaye or Marathi person named Dharma and was located on Mr. De Senneville estate. Further information will be provided later in the chapter entitled settlement.

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#### Reference 448 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

Cut Soil or Land), Plato Remous (Eng. trans. Plateau Remous) and Brize Nik Mous (Eng. trans. Brisé Fly Nest) which according to Olivier are located on Tamarin Estate.

...Plato Remous se kan ou

#### Reference 449 - 0.01% Coverage

stories attached to these places.

However, the real name is 'Walhala' after a sugar estate that used to exist in this area.<sup>34</sup>

Furthermore, based on her testimony

#### Reference 450 - 0.01% Coverage

cso/ 4.4 ETHNIC RELATIONSHIPS

Although Cité La Mivoie is perceived as a homogenous egalitarian Creole Cité or as a Creole traditional fishing village, yet it is a heterogeneous housing estate with residents of other religioethnic groups living there. Among the residents there are many descendants of indentured labourers of Indian origin, particularly of Marathi origin, commonly referred to as Bombaye as illustrated in Tables 2 and 3 respectively.

In contemporary Black River, this

#### Reference 451 - 0.01% Coverage

state their religious affiliation.<sup>38</sup>

Oral history confirms there are three Hindi-Speaking families living in the housing estate, namely, the Sukhoo or Sokoo Family, the Saradee Family and the Gobinsingh Family. In addition, there are  
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#### Reference 452 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

approximately seven Marathi-speaking families in the Cité. Most Indo-Mauritians live outside the housing estate. This implies that Creoles and Marathis are in majority in the region.

The housing estate has evolved from a traditional fishing village to a complex Cité with internal cleavages caused by, differential positions in the labour market. It is stratified along econo-ethno lines and internal econo-ethno stratification often leads to ethnic tensions.

Inter-ethnic relationships

Despite overt

#### Reference 453 - 0.01% Coverage

visible symbol of social inequalities.

Considering that houses and asset accumulation are powerful symbols of wealth, it was observed that the design of the houses of the Marathi-speaking and the Hindi-speaking residents were more elaborate which are visible signs of upward social mobility compared to the majority of Creoles in the housing estate.

It should be noted that, the material modern signs of wealth such as visible satellite dishes or an LCD television set in a shattered iron-sheet house or a 'tuned' car in the housing estate can be misleading on the actual financial situation of some of the local residents. There are indicators not only of consumption choices but of life priorities as well. For example, one of the informants (who is not among the wealthy residents) mentioned that she would buy an LCD television set to watch international football. Later on, during fieldwork, she mentioned that she was not yet a property owner because of lack of financial means to pay the legal proceedings.

In addition, during the interviews

#### Reference 454 - 0.01% Coverage

se sa, bann site...<sup>45</sup>

(Eng. trans:...But sometimes the Creole do not all misbehave. There are many who behave properly. But when you live in a region in a housing estate when 2-3 are being noisy, the person will not say 2-3 people. They will say the housing estate...)

Intra-ethnic conflicts among the

#### Reference 455 - 0.01% Coverage

illustrated in Devi's testimony below.

It seems that female-headed households constitute the majority in the housing estate resulting from serial monogamy and multiple sexual partners.

...Donk me...ena boukou mer

#### Reference 456 - 0.01% Coverage

Ena pa in deklare...49

(Eng. Trans:...So...are there many single mothers in the housing estate? there are ten...between 17 and 27 [years old]. Between 17 to 20, 27 [years old]. And how many children they have? What I last learnt there are now 11, I there are 3, maximum 3 [children]...there are from different father...So, if I understand it is a young woman who met a man, they got a child, the father did not declare the child? There are who did not declare...)

These family patterns are commonly

#### Reference 457 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

(Eng. trans:...you just said that women are more active in the region...how you explain that?...you hear fathers say ayo this is not of my concern I will not get involved in that I do not say all, they are fathers you feel they can do things but in the PTA there are 12 members there is one man amongst 11 women...would you say that in the housing estate it is the woman who is the head of the household?...yes yes easily clear and straight...)

Even though, at the surface

#### Reference 458 - 0.01% Coverage

to marry within the region.

Oral history revealed that before the 1960s, the bulk of the population was living in the various kan (Eng. trans. Camps) on the surrounding estate land namely the estates of the Maurel Family that was divided and sold in the 1960s to the Lagesse Family, De Senneville Family, De Maroussem Family and Ramdenee Family. However, it was not possible

#### Reference 459 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

Based on Olivier's testimony, one of the elders in the region, it seems that the region belonged to the Maurel Family who was the main estate owner in the region with their concession extending from Bois Piant<sup>63</sup> (Eng. trans. Stinking Wood) in Petite Rivière Noire to Tamarin.

The Maurel Family divided their concession that they sold to Philip Lagesse with his estate extending from Bwa Pian to La Mivoie; De Ravel Family that owns land from Petite Rivière Noire to Bois Piant and the Salin Carlos; and Maingard Family that possess the Mountain La Tourelle du Tamarin to Tamarin Village.

Later, Philippe Lagesse sold his

#### Reference 460 - 0.01% Coverage

Chamarel was allotted 1721 ½ arpents.

Furthermore, in accordance with Teelock (1998), of all the concessions in Black River, 89 percent of them were large concessions of over 100 arpents and in 1830; there were 107 estates in the region. Hence, it might not be surprising that the De Ravel Family was one of the main landowners in the Black River region.

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#### Reference 461 - 0.01% Coverage

Truth and Justice Commission 104

VOL 3: PART I – SLAVERY - FROM SLAVE CAMP CITÉ: LA MIVOIE Chart 6 Land Transactions among the main estate owners in the Black River Region 1. Maurel's Property

Oral history discloses that, apparently

#### Reference 462 - 0.01% Coverage

Aloes Mill.

6. Ramdennee Property

Ramedennee Family estate started after the De Senneville property, after the Tamarind tree named Tamarin Lapel. According to Nicole, Mr. Ramedennee bought land from Mr. De Maroussem around 1970 and in around 2005, he divided and sold his land for residential development and built Morcellement Les Filature.

...donk en 1960, Ramdennee pa

#### Reference 463 - 0.01% Coverage

Albert 4.7. LOCAL HERITAGE

1.Kan (Eng. trans. Camp) Before 1960, the local population composed of both Marathi and Hindi speaking people and Creoles were living in camps in surrounding estates. Cyclone Carol destroyed the kan and subsequently low cost housing estates were constructed. In the meanwhile, during the construction phase, many people lived in longères (Eng.trans. Longhouse).

The term kan refers to

#### Reference 464 - 0.01% Coverage

family' crossing religio-ethnic barriers.

The Labour Ordinance of 1922 provided that estate owners had to provide housing facilities to the labourers employed on estates. In keeping with the testimonies, this practice continued beyond the the abolition of the indenture system in and were incentives for people from neighbouring regions such as a Cascavelle and Henrietta and sometimes as far as urban regions to come and work for the estates. The main incentives mentioned in the interviews were wood to construct houses, plot of land to farm and the possibility to have their own gardens for subsistence.

From the oral testimonies gathered

#### Reference 465 - 0.01% Coverage

Kan Dharma or Brize Dharma:

It was located on the estate land of Mr. De Senneville. It was named after a man named Mr. Dharma who used to live there.

...Donk ti ena apre ti

#### Reference 466 - 0.01% Coverage

Senneville side...)

3. Kan Listo:

It was also located on the estate land of Mr. Ramdenée near College Saint Esprit and the Village Bougainvilliers. According to Antonio, there was a public tap in front of the camp.

Unfortunately, because of lack of

#### Reference 467 - 0.01% Coverage

there was a house there...)

6. Kan Bombaye: It was on Ramdenée estate and named such because Marathi-speaking Indo-Mauritians were living in this camp and they used to organise danse bombaye also known as gran danse (a traditional Marathi dance). A man named Bonhom Ganse was living there with his family who used to organise this traditional Marathi dance.

...Saem sime gorz, apel Kan

#### Reference 468 - 0.01% Coverage

Disabl (Eng.trans. Sand Camp):

It was located behind the shop named Li Mo Yo and was on the estate land of the Maurel Family. Cité La Mivoie was constructed on the site of Kan Disabl. It was composed of approximately three to five families namely the Faron Family, Auguste Family, Louise Family and Joseph Family that were living there and were working for the estate.

...Me pa ti ena bann

#### Reference 469 - 0.01% Coverage

P/LaMivoie/15June2010 13. Caredas:

It is located on De Ravel estate at the north entrance of the village and at the road junction leading to Morcellement Carlos. It is before London Way Supermarket when going towards Tamarin Village.

There are approximately ten families

#### Reference 470 - 0.01% Coverage

#### SLAVE CAMP CITÉ: LA MIVOIE

allowed to live there because either they were working for the estate or were squatters or had beneficial occupancy. It is only now that the owners are developing their land.

Today barbed wires and concrete

#### Reference 471 - 0.01% Coverage

ou tom laba mem...88

(Eng. trans:...when my grandmother narrate those stories its extraordinary she told us there was a short man named Dedere living in the housing estate...she told they left Gabriel they went to see Sega [in] Yemen Gabriel was crying when coming Gabriel was with 2-3 of his friends he asked Gabriel why are you crying? He answered that they left and refused to take him that looking for a sardine box a sardine box for all to get in the sardine box and truly they went...but when you get in do not speak...do not speak do not laugh they landed I tell you long ago really it existed something weird that we do not believe but people say it existed...the secret they have they will fly they will go [in] a plane or an helicopter they will fly they will go in the sardine box if you speak it will explode where you are you fall where you reached you will fall there...)

Three other men were identified

#### Reference 472 - 0.01% Coverage

income on buying alcoholic beverages.

For example, the Aimée and Maison Rouge families who, as per La Mivoie Housing Estate site map 1998, were among the first settlers were no longer living in the Cité. However, there is a Maison Rouge family living in Tamarin Village.

...Boukou pann peye. Donk bokou

#### Reference 473 - 0.01% Coverage

inn al lwin lwin...98

(Eng. trans:...Many did not pay. So many people were afraid...Many lost [their house]...Lost? Yes. But where these people moved to? Some left the housing estate. They left? Some left and went far far...)

Second settlement movement:

As stipulated

#### Reference 474 - 0.01% Coverage

land such as Varnanaden's father.

The descendants of some of these families are still living in the housing estate and have peopled the Cité La Mivoie, namely, the descendants of the Auguste, Jean Pierre, Lahache, Hippolyte, Albert and Thousand families that have intermarried and have settled there for generations. Four generations of these families have been retraced in the Cité as explained in the genealogical report. (See Appendix 1)

Two types of migratory movement

#### Reference 475 - 0.01% Coverage

sister's place in the Cité.

According to the residents, so far, studies have not been carried out in the Cité to survey the impact of asbestos houses on the health of the Cité dwellers. The various pleas to the government, with the help of local media, have until now remained unanswered and they feel that local authorities are not concerned by the problem of asbestos in the housing estates all over the island.

...ou konpran, get parey kouma

#### Reference 476 - 0.01% Coverage

and economic disparities.

Spatial Organisation

Even though there are fixed visible boundaries (the roads act as spatial delimitations) that delimit the housing estate, peoples' conceptualisation of the Cité extends beyond these delimitations. Taking the cardinal points as reference, the Cité extends from South to North with house number one located in Sime 4 saison (on the south periphery) and ends Sime Eucalyptus (on the North periphery) it stretches from east (from the main road) to west (ending Sime Colonel Dean). (See Appendix 6)

In the collective mind the spatial delimitation of the Cité extends to Sime La Jetée (which is after Sime 4 saison) because of its proximity with the housing estate. However, as we shall see later in the report, land along Sime La Jetée is private land and the living conditions of these landowners are different from that of the Cité dwellers.

The CHA houses varied from

#### Reference 477 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

(Eng. trans:...You know there are still people in the housing estate that do not have toilets, that defecate in a plastic bag...it exists in Black River in the housing estate. You know that there are also people who defecate in the garden, over there...)

In the 1960s, toilet system

#### Reference 478 - 0.01% Coverage

reusi. Me pa tou...107

(Eng. trans:...me last year. The government just passed a law that all the CHA housing estate, how to say that we can become owners with 4,000 rupees. May benefited from that, it was two years ago. It means you paid 4,000 to become owner? Owner, yes. According to you all residents in the housing estate are owners? No. there are many are not yet, but those who were interested, made efforts and succeed. But not all...)

Notwithstanding some residents are conscious

#### Reference 479 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

Cité La Mivoie is a 'working class' low-cost housing estate with its residents living in relative poverty. They are low-income earners (they are either seasonal workers or unskilled workers or paid domestic workers such as fishermen, gardeners and masons), have poor living standards and face difficulties meeting basic social, health and nutritional needs.

For them, purchasing land is

#### Reference 480 - 0.01% Coverage

Cité La Mivoie are enduring discriminatory land practices with land promoters targeting solely the wealthy classes – foreigners and high-income earners – materialised in the recent and upcoming luxurious residential developments such as Plantation Marguery, Les Salines Mont Calm in La Preneuse, Morcellement La Filature on Ramdanee Estate. With the exception of, Village

#### Reference 481 - 0.01% Coverage

others land.

Illegal land occupation

As illustrated on the site map of La Mivoie Housing Estate, there is a private land belonging to the Li Mo Yo Family crossing the Cité. The respondents testified that for approximately 10 years about nine families namely the Jean Pierre, Joseph, Gentile and Moootoo (or Moutou) families have been squatting this land. (See Appendix 6)

...mo pa kone kouma linn

#### Reference 482 - 0.01% Coverage

in the Cité.

Land Dispossession

Field research uncovered cases of land dispossession by some of the local estate owners and some residents even mentioned that these dispossessions were made possible with the support of local authorities and politicians.

However, these testimonies should be considered with caution because the information were not cross-checked given that estate owners refused to be interviewed and thus it was not possible to verify and affirm these allegations.

The Cité dwellers identified two

#### Reference 483 - 0.01% Coverage

enticed. There is no discipline)

The Household Budget Survey (HBS) 2006/07 estimated alcoholic beverages and tobacco to 9.5% of total expenditure and estimated private household consumption of alcoholic beverages per annum 980 million rupees. But, from the observed drinking habits in the Cité, the percentage of household expenditure on consumption of alcoholic beverages in the housing estate is much more.

AS pointed out by the



#### Reference 484 - 0.01% Coverage

such as cocaine and ecstasy.

When asked where the youngsters buy drugs, they were equivocal stating, on one hand, that they find drugs in the Cité and on the other hand, that they buy them outside the housing estate. Only one respondent mentioned that she witnessed the traffic of Subutex<sup>117</sup>. A pill is sold for 800 rupees and half a pill is sold for 200 rupees.

...konsomasyon ek trafik tou le

#### Reference 485 - 0.01% Coverage

working class families.

- Social Organisation

In line with Article 27 of the Convention of the Rights of the Child (CRC) the State should ensure that every child in the housing estate enjoys the right to a standard of living adequate for his/her physical, mental, spiritual, moral and social development. It is the State's obligation to take appropriate measures to assist parents in the Cité and others responsible parties to implement this right and in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing in accordance with national conditions and within their means.

- Housing conditions

There is need

#### Reference 486 - 0.01% Coverage

within their means.

- Housing conditions

There is need to carry out a Health survey in the Cité La Mivoie and other housing estates to find out if the illnesses and deaths in the Cités are in fact asbestos related diseases and deaths.

As a solution to the

#### Reference 487 - 0.01% Coverage

publication of the local history.

The history of the main estates should be retraced given that they determined local social and economic evolution.

Anthropological and archaeological study of

#### Reference 488 - 0.01% Coverage

##### CITÉ LA MIVOIE – ECONOMIC SURVEY

This chapter focuses on the economic life in Cité La Mivoie in an attempt to gain a deeper understanding of, firstly, the infrastructural development of the village of Petite Rivière Noire and the Cité, secondly, the

occupation patterns in the housing estate during the 20th century, thirdly, the educational patterns within the Cité and finally other economic problems that the local residents are facing.

It aims at assessing the

#### Reference 489 - 0.01% Coverage

##### 1 Infrastructure and Spatial Organisation

Based on the premise that, firstly, infrastructural landscape is not fixed but dynamic in that it evolves through time in line with changes in land use, secondly, socio-economic transitions are determined on land use that subsequently affect environment (social and ecological environments), the shift in the regional economic development strategy – with the main estate owners dividing out land for commercial and residential developments – transformed the local infrastructural pattern. (See Appendix 3)

The infrastructural landscape can be divided as such: (i) an upper part that corresponds to the apex of La Tourelle du Tamarin Mountain where luxurious residences were built (ii) an intermediary part which is at the foot of the mountain where the commercial infrastructures are located and (iii) a lower part where the low cost housing estates are situated (Cité La Mivoie and Morcellement Les Tamariniers).

Cité La Mivoie is an

#### Reference 490 - 0.01% Coverage

PH 21/P/LaMivoie/11May2010

There is a football ground and a basketball court at the north entrance of the village as sporting infrastructure. It seems that these amenities are under-utilised, as during fieldwork, once we saw people (men) playing football and on another day students of the primary school were competing in sporting activities. It seems that the children do not use these sporting facilities, as they prefer to play football in the churchyard because of its proximity with the housing estate.

As a religious infrastructure, St. Augustin Church was established in 1857 following the donation of Comte Augustin Genève de St. Jean a large estate owner in Black River<sup>123</sup>. A Mandir<sup>124</sup> named Black River Ganesh Mandir is presently under construction at the north entrance of the village and a Christian cemetery, Black River cemetery, is located at the north entrance of the village adjacent to the post office.

As educational Infrastructures: (i) two

#### Reference 491 - 0.01% Coverage

##### SLAVE CAMP CITÉ: LA MIVOIE

It was located on Ramdenée estate and was named after a man named Baboo as the road led to his garden. Presently at the entrance of the road, there is a gate.

...wa. Tou sa ti ena

#### Reference 492 - 0.01% Coverage

and curve on the road.

This place name serves as delimitation for De Senneville estate on the left side of the road and De Ravel estate located on the right side of the road when going towards Petite Rivière Noire

...la nou koumans par later

#### Reference 493 - 0.01% Coverage

Lalwes (Eng. trans. Aloes Mill):

It was located on De Senneville estate near the office of Mr. Ramdenée. Léon Maurel was the former owner of the factory who later transferred the ownership to Joseph De Senneville.

The Cité residents have worked

#### Reference 494 - 0.01% Coverage

The Pilot/Koenig Salt-pan:

It is located at the South end of Grand Rivière Noire Village and after Boutik Trwa Bra and is known as Le Salin. Some of the Cité residents moved from Le Salin to settle in the housing estate. (See Social Survey Chapter)

Batterie de L'Harmonie also known

#### Reference 495 - 0.01% Coverage

Gabriel August and Occupation Patterns

Chart 12 illustrates that employment patterns in Cité La Mivoie did not really evolve since 1960, as there is an intergenerational transmission of low paid jobs in most of the families living in the housing estate. This transmission of low paid jobs can be explained by the fact that people access jobs based on their family background, educational levels and labour market demands.

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#### Reference 496 - 0.01% Coverage

See Appendices 8 and 9)

A downward shift can be observed in the occupational choice with the first generations (as retraced in the genealogy) being skilled artisans whereas the successive generations, as from the fourth generation, performing mostly menial jobs. Some causal factors for this downward shift in occupational choice might be the changes in the development strategies of the surrounding estates, the failure for the villagers to keep with the labour market demands since schools were located far away. Distance and isolation have played a huge role in absence of education among population here.

As from the 1960s, the labour demand of the estates changed in line with their development strategies and especially following the division of the estate land. They needed mostly labourers and domestic workers as illustrated by the genealogical trees.

For example, Maurel, De Ravel and Pilot/Koenig families were the main employers in the 18th and 19th centuries. These 'Franco-Mauritian' estate owners had the monopoly of the economic life in the region as they controlled farming activities, aloes production, sugar cane plantations and salt pans.

Until early the 20th century, these families and the Maurel Family especially, controlled most of the economic activities. The Ramdenée Family and the Rama Family in Chamarel were the only non 'Franco-Mauritian' estate owner identified in the region in the late 20th century.

As from the 1960s, Mauritius faced economic strains of a mono-crop economy that relied essentially on importation. After independence in 1968, it had to diversify its economy. Subsequently, the main local estates reoriented their economic activities in line with the national economic strategies.

According to Nicole, Mr. Maurel

#### Reference 497 - 0.01% Coverage

cane my husband [was] fisherman...)

Consequently, in the 20th century, the estates were still the main employers. However, these social and economic changes not only had an effect on the residents' occupational choices but led also to a shift from a sustainable lifestyle to a consumption lifestyle following changes in land reconfiguration as explained in the previous chapter.

Even after moving from estate land to settle in Cité La Mivoie, the residents were still working for these estates. Yet, some respondents testified that, apart from the demolition of their houses after Cyclone Carol, the opportunity to engage in independent non-estate economic activities mainly fishing was one of the reasons why people moved from estate land to settle in the Cité.

This is substantiated by genealogical

#### Reference 498 - 0.01% Coverage

marginalised because of its remoteness.

Consequently, the Cité residents relied on the plantation and fishing economies and on invisible labour that are legacies of slavery in that the local residents continued to work for the surrounding estates and as paid domestic workers and fishermen.

Small Scale Farming:

Field research

#### Reference 499 - 0.01% Coverage

and fishermen.

Small Scale Farming:

Field research uncovered that the villagers and especially the Marathi-speaking inhabitants also practised small-scale agriculture and animal farming on estate land at the foot of La Tourelle du Tamarin Mountain and in Sime Gorz. They reared animals and cultivated land for subsistence and surplus was sold or bartered.

Although small agriculturists continued to

#### Reference 500 - 0.01% Coverage

in that...)

3. Karo Taba:

It was a tobacco plantation located on the estate of Mr. De Senneville near a place named Laveret. (See Chapter Social Survey)

4. Karo Maraz:

It was

#### Reference 501 - 0.01% Coverage

PH 36/P/LaMivoie/20June2010

Other gardens and plantations were located on estate land at the entrance of Sime Gorz such as Karo letchi (Eng.trans. Lychee Plantation) and Karo zarico (Eng.trans. Beans Plantation).

...Kot pon la se ki

#### Reference 502 - 0.01% Coverage

Indian Population 1851

1861 M

Field on Sugar Estates Gardeners

81621 1386

Watchmen and house

#### Reference 503 - 0.01% Coverage

Field labourers Gardeners 6,964

Watchmen on Sugar Estates 321 Graziers and Herdsmen

352 Total 69,504

61

#### Reference 504 - 0.01% Coverage

academic achievement are something else.

Actually, field research revealed, that across generations there is a problem of academic underachievement in that few children residing in the housing estate went until tertiary education and that a significant portion of the population drop-out of school before the end of the educational cycle.

...se matin mem, mo trouv

#### Reference 505 - 0.01% Coverage

housing conditions in the Cité.

The cultural clashes are negatively affecting the Cité whose organisation was, until now, based on ancient structures with their own relation to time, assets, goods and wealth. Cité La Mivoie is at a transition between a traditional fishing village, with its specific social and spatial organisation and value systems, to a working housing estate. Their value system and social and cultural systems continue to be threatened by Eurocentric systems. These contemporary problems do not stand in isolation, history impacts on their present reality.

Oral history uncovered a continuity

#### Reference 506 - 0.01% Coverage

to property ownership

Social Organisation

Ensure that every child in the housing estate enjoys the right to a standard of living adequate for his/her physical, mental, spiritual, moral and

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#### Reference 507 - 0.01% Coverage

13. Local Government Act 1989.

14. Ministry of Housing and Land, Labour Surveys Act 1976 and Land Surveys [Amendement] Act 1978, La Mivoie Housing Estate.

15. Moutou, B. 2001, La

#### Reference 508 - 0.01% Coverage

LaMivoie/15June2010, lines 412-416

138She was an informal informant that was born on Yemen estate and later on settled in the region Truth and Justice Commission 199

TJC/6/SLC AC/IN

#### Reference 509 - 0.01% Coverage

LE MORNE – PAST AND PRESENT

Fig. 6 Péninsule du Morne, extrait de "the Government triangulation estate plans, title deeds, & from many other sources by A. Descubes, Public Works Department, Mauritius. - 1880. MAP RM»

Le père d'Elisa s'appelait Ely

#### Reference 510 - 0.01% Coverage

compatible with a slave origin.

Osteological studies of slavery have so far been largely confined to slaves of considerably earlier periods such as the Roman Empire and to the Caribbean and North America. Of these, it is likely that the plantation-based slavery of the Caribbean and North America will have more relevance to the present case than examples from the ancient world. Studies of New World slavery have identified a number of characteristics that are commonly associated with slave populations, but it must be acknowledged that there is considerable variability, meaning that a 'shopping list' approach to the osteology of slavery is to be avoided. Given this caveat, some features that might be relevant in the present case are evidence of nutritional deficiency, the development of skeletal features related to heavy manual labour and evidence of high levels of non-specific infections and skeletal trauma. The last three of these are, of course, dependent on the form which slavery takes. Household slaves would have been involved in different kinds of activities to agricultural slaves and this would have been reflected in the kinds of risks to which they were exposed and hence the kinds of conditions that are visible in the skeleton. A further characteristic of slavery in Mauritius was the over-representation of males. Kuczynsky (1949, cited in Benedict 1976) has calculated that male slaves

outnumbered women by two to one until 1826, when the proportion of females began to increase (Benedict 1976: 140). The 1826 registration data records five female slaves and 27 males belonging to the Le Morne Brabant estate (Teelock et al n.d.). Interestingly, these were all adults. The demographic characteristics of the Le Morne sample may therefore also cast some light on this question.

Nutritional deficiency is commonly associated

#### Reference 511 - 0.01% Coverage

Times. Mahatma Gandhi Institute, 2001.

Adrien D'Epinay was successful in "obtaining £2,112,632 in compensation for planters in the loss of slaves, several thousand of whom had been illegally introduced. Compensation payments went largely to the big planters among the slave-owners. Though forming less than 5% to the slave-owning population, they received over 20% of the payments. Much of this was re-invested in the sugar estates and the number of sugar mills rose from 167 to 203 between 1833 and 1838. The Mauritius Commercial Bank was also founded partly with the sums received from compensation."

34 Ibid. Page 170. Farquhar

#### Reference 512 - 0.01% Coverage

##### A HISTORY OF MUNISAMI FAMILY

After a voyage of approximately two months, the PANDIAN in Port Louis Family arrived in Mauritius on board John Allan on 29th November 1883. They landed at the depot on 12th January 1883. On 16th January 1884, the whole family was presented before the Protector of Immigrants to confirm the marital status of PANDIAN and KUNNIAMMA. After three days, they were distributed on Gros Bois Sugar Estate where the employer was Mr. J Currie. It seems from the records of the Protector of Immigrants that both PANDIAN and KANNIAMMA were from the Vannia Caste. This caste was mostly ouvriers et petits propriétaires agricoles<sup>3</sup> PANDIAN was 1m52cm and had a scar on his right elbow. KANNIAMMA was 1m54cm tall and had a scar on her forehead. Funnily, KANNIAMMA was taller than her husband; so physical appearance was not important for her.

PANDIAN (Tree 1) (See Appendix

#### Reference 513 - 0.01% Coverage

1) (See Appendix on CD)

Pandian worked as an indentured labourer for five years. He passed away on 21st July 1889 at seven o'clock in the morning on Gros Bois Sugar Estate. His death certificate was issued in Mare D'Albert Civil Office. (See Death Certificate in Appendix 1). However there are errors on this certificate as he did not have his ticket. It may have been lost or was in the possession of the employer. According to the information available on the death certificate, Pandian was a 45 year-old single Hindu immigrant. However, if we take a closer look at the information available in the Registers at the Archives, one would see that at the time of his death, PANDIAN was a 40-year old married Tamil immigrant.

KANNIAMMA KANNIAMMA stayed twenty years

#### Reference 514 - 0.01% Coverage

twenty years in Mauritius.

MUNIAMMA

MUNIAMMA has not left us today with much information about herself. She was only one-year old when she landed in Mauritius. But at the age of 8, she was already registered as an Old Immigrant (Appendix 3) perhaps, because her mother had re-indentured. She died at the age of 38 on Gros Bois Sugar Estate. From her death certificate issued in the District of Grand Port (Death Certificate in Appendix 4), it seems she was still single, without any profession and living on Gros Bois Estate. Family oral sources are also silent about her and no one in the family today knew that PANDIAN had a daughter. Further research is therefore required to trace the family of MUNIAMMA in the region of Gros Bois.

MUNISAMI (Tree 2) (See Appendix

#### Reference 515 - 0.01% Coverage

2) (See Appendix on CD)

MUNISAMI is the protagonist in this family History. According to oral sources, MUNISAMI lived with his parents on Gros Bois Sugar Estate. But some members of the family stated that he had beaten a man called Gunga, while others stated that he murdered the man and therefore ran away from the District of Grand Port to hide and start a new life in the District of Savanne. How far is this information reliable? Further searches, here too, are required in perhaps in Police Records. We know for a fact, however, that MUNISAMI came to settle in Bel Air St. Felix Sugar Estate. He married religiously, RUNGAMAH KARUPPAUNEN. They had 3 children: a son, SINSAMY MUNISAMI (the researcher's grand-father), born in 1913 (Appendix 5) and 2 daughters: MOONEEAMAH MUNISAMI, born in 1917 (Appendix 6) and GOINDAMAH PANDIAN born around the 1920.

RUNGAMAH was the daughter of Karuppaunen No.396893 of St. Felix Sugar Estate and Goindamah of Moka village. She was born on 22 December 1895 (Appendix 7) in the District of Moka because her mother's delivery took place there. No one, however, knew how the parents of RUNGAMAH met and got married as the two estates are quite far away: Karuppaunen was a labourer on Bel Air Saint-Felix Sugar Estate in the South of Mauritius while Goindamah resided in Moka in the centre of Mauritius. MUNISAMI died in 1932 (Appendix 8) and RUNGAMAH in 1942 (Appendix 9).

A question was left pending

#### Reference 516 - 0.01% Coverage

after the death of PANDIAN,

KANNIAMMA left Gros Bois Sugar Estate and went back to India on the 4th of June 1904 on board the Itria (Appendix 2). Both MUNISAMI and MUNIAMMA were left behind in Mauritius.

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#### Reference 517 - 0.01% Coverage

3) (See Appendix on CD)

The researcher's grandfather was born on 24 August 1913 on St. Felix Sugar Estate (Appendix 10). He never went to school. He worked as labourer and sirdar in Bel Air Saint-Felix Sugar Estate. He was only 19 years old when he lost his father. He lived in Saint-Felix Camp with his mother and two unmarried sisters. He had



to work very hard to get his sisters married. He was also a priest in the kovil found in the camp. His son (this researcher's father) would often help him every Friday and during special prayers like the Cavadee<sup>4</sup>, Govinden<sup>5</sup> or Thimeedee<sup>6</sup>

In 1938, he married PETCHAYE

#### Reference 518 - 0.01% Coverage

after their arrival in Mauritius.

Furthermore, it is believed that Digaum never held a steady job on a sugar estate as a day labourer. He was arrested on several occasions for petty theft and even spent some time in prison. However, eventually Digaum stabilized his life, got married and had children. He passed away on 29th July 1909 in the District of Pamplemousses and his passenger list number was not mentioned in the records. Today, some of his descendants are living in Bon Accueil near Mission Cross Road.

Source: CSO, Flacq District Death

#### Reference 519 - 0.01% Coverage

parents during the 19th century

Between the late 1860s/early 1870s and 1890, Peerthum worked as a "day labourer" on Grand Bois Sugar Estate and lived in its estate camp. Grand Bois Sugar Estate was a small sugar plantation which was located between Bois Chéri and Rivière du Poste in the District of Savanne.

Sometime in 1879 or 1880

#### Reference 520 - 0.01% Coverage

1879 or 1880, Peerthum was

married to Lutchmee Ramdhun. He was 33 or 34 years old and she was 15 or 16 years old. Lutchmee Ramdhun was born on La Louise Sugar Estate in September 1864 in the District of Flacq near Sebastopol village. She was the daughter of Ramdhun, the sirdar of La Louise Sugar Estate, and of Lolytah, his wife and a resident in the camp of the same sugar estate.

Figure 3: Birth Certificate of

#### Reference 521 - 0.01% Coverage

##### HISTORY OF THE PEERTHUM FAMILY

Ramdhun, Immigrant No.93355 was 21 years old (born in 1830) and Lolytah Immigrant No.93441 was 18 years old (born in 1833) when they arrived, on the Aeneas, to Mauritius on 22nd May 1851. They landed at the Immigration Depot where they spent three days, before being sent to work on an unspecified sugar estate in the District of Flacq. It may have been La Louise Sugar Estate, but there is no record to confirm this until the mid 1860s.

According to records of the

#### Reference 522 - 0.01% Coverage

the rearing of farm animals.

They were both from the village of Golah, the pergunnah or "sub-division" of Echaug, the Zillah or Province of Hazareebaugh in South Bihar (now in Jharkhand). They were both married before leaving Calcutta, India, and it is believed that they were married in Golah itself before migrating. Furthermore, it is even probable that they performed a child marriage several years earlier in their native village during the late 1830s or early 1840s. During the 1860s, as it was mentioned earlier in this report, Ramdhun served as a sirdar on La Louise Sugar Estate when he was in his early thirties and Lolytah was a housewife and they resided in a house in the estate camp. The best description of a sirdar on a rural sugar estate during the 1860s is provided by Huguette Ly-Tio Fane Pineo:

"He exerted his authority both in the establishment quarters and in the labourers' camp. His dual status gave him a position of great power among the labourers from whom he usually commanded both obedience and respect. The caste to which he belonged had certainly been a factor in his promotion, but the permanency of his position depended on the quality of his leadership. Good leadership required on his part exceptional "savoir faire" and good judgement, qualities which he acquired from long practice in fieldwork and familiarity in all the different social quarters of the estate."<sup>3</sup>

Figure 5 : The picture of

#### Reference 523 - 0.01% Coverage

1860s, before a labourer became

a sirdar, he had to be able to muster before the sugar harvest more than 24 labourers and keep them under his control. On the large sugar estates, the sirdar was answerable to the chief sirdar who had to answer to the estate manager.<sup>4</sup>

My father explains that ever

#### Reference 524 - 0.01% Coverage

ever since the 19th century,

usually one week before the harvest season, the sirdar would take his workers to the local grog shop or tavern usually located on the perimeters of the estate or a nearby settlement. There, he would offer them drinks such as rum, food and some tobacco and promises that they would be paid on time for their work throughout the sugar cane harvest season. This ensured the loyalty of the workers and the sirdar's authority on the highly-stratified hierarchy which existed on the sugar estates.

Source: MGIIA/PG Vol. 28

#### Reference 525 - 0.01% Coverage

this tragic event, Peerthum, who

was 44 years old, found himself a widow, struggling to bring up three young children. A short time later, perhaps a year after the death of his wife, he decided to leave Grand Bois and settle in the estate camp of Grande Retraite in Northern part of the District of Flacq. He became an "engaged labourer" and was no longer a "day labourer" in order to provide for this children. Peerthum left his youngest child, Seesurrin Peerthum, in the care of the Mahesh family who resided in a small settlement just on the perimeter of Grande Retraite, Sugar Estate.

This settlement, which was established during the 1880s and 1890s, would eventually become the village of Grande Retraite. Between 1891 and 1905, Peerthum worked and lived as an engaged labourer on Grande Retraite Sugar Estate where, apart from his wage, he was provided with accommodation, rations and medical care.

He became good friends with

#### Reference 526 - 0.01% Coverage

with Sabally Kaudeer and Ramnath

Seebarun, who were both Indo-Mauritians and engaged labourers on the same estate. Peerthum passed away on 30th April 1905 at Grande Retraite Sugar Estate and it was Kaudeer and Seebarun who reported his death and signed his death certificate as witnesses. Peerthum No. 5751 (bis) never purchased any property and went from being a day labourer to an engaged labourer during the last years of his life.

#### 3. The Story of Seesurrin

#### Reference 527 - 0.01% Coverage

Sookbasseea Peerthum: The Early Years

Seesurrin Peerthum thus spent the first four years of his life in Grand Bois and barely knew his mother, Lutchmee Ramdhun, since he was only four years old when she died. Between 1891 and 1911, he grew up and lived in a small settlement on the outskirts of Grande Retraite Sugar Estate. He was brought up by the "Mahesh" family and received regular visits and financial support from his father until the latter's death in 1905. The house and property of the "Mahesh" family was located where the Grande Retraite Village Hall is located today. During the early 1900s, shortly before the death of Peerthum, a child marriage was performed between Seesurrin Peerthum and Sookbasseea Nundlall, the daughter of Ramdhuny Nundlall, who was a sirdar on Labourdonnais Sugar Estate in Rivière du Rempart district.

Sookbasseea Nundlall, my great grandmother, was born on Labourdonnais Sugar Estate in March 1896. She played a crucial role in social and economic progress of the Peerthum family and had a major impact on the life of Dr. Sateeanund Peerthum, my father. Sookbasseea's grandfather and the father of Nundlall the sirdar came to Mauritius from Bihar, India, during the 1850s. He passed through the Immigration Depot where he was registered as an indentured labourer and went to

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#### Reference 528 - 0.01% Coverage

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Figure 7: Accommodation for Monthly or Contract Labourers on a Sugar Estate in Flacq during the 1940s  
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#### Reference 529 - 0.01% Coverage

HISTORY OF THE PEERTHUM FAMILY

work on a Sugar Estate in Rivière du Rempart. His son, Ramdhuny Nundlall, was born in December 1867 and by the early 1890s, when only in his early 20s, he became a sirdar on Labourdonnais Estate.

#### 4. The Story of Seesurrun and Sookbasseea Peerthum: Life on Labourdonnais Sugar Estate

During the 1890s and until his death in the early 1930s, "Nundlall the sirdar", as he was often called, lived in a well built and well furnished house close to the estate camp of Labourdonnais. A few years after their child marriage, a religious marriage between Seesurrun and Sookbasseea was performed in 1910/1911 when the former was 24/25 years old and the latter was 14/15 years old. Between 1912 and 1919, they had seven children, Doorpatee,

Seelochnee, Soobagwatee, Luckpatheea, Deosia, Chandraduth

#### Reference 530 - 0.01% Coverage

Luckpatheea, Deosia, Chandraduth and Sookdeo.

Their sixth child was "Chandraduth" Peerthum, my grandfather who was born on Labourdonnais Sugar Estate in April 1917. He was registered at the Civil Status Office of Poudre d'Or village early the following month, and his name was written "Chanarduth", instead

of

Chandraduth by the Civil

#### Reference 531 - 0.01% Coverage

name will be used here.

In 1910/1911 and 1926, Seesurrun Peerthum lived and worked on Labourdonnais Sugar Estate as a cart driver and owned his own ox and cart. Seesurrun and Sookbasseea

lived in a house close

#### Reference 532 - 0.01% Coverage

the Mauritius Chamber of Agriculture

Figure 9: Indo-Mauritian residents on Estate Camp of Antoinette Sugar Estate

Figure 8: The house of a sirdar on a Mauritian Sugar Estate during the 1940s

of

Ramdhuny Nundlall and near

#### Reference 533 - 0.01% Coverage

Estate during the 1940s

of

Ramdhuny Nundlall and near to the estate camp of Labourdonnais. Between 1914 and 1915, Swami Swatantranand, an important pandit of the Arya Samaj movement in India, came to Mauritius to spend one year at the behest of Manilall Doctor. Swami Swatantranand was invited by Ramdhuny Nundlall to reside in his house during his Mauritian sojourn and he spent several months there.

Sookbasseea and her siblings served

#### Reference 534 - 0.01% Coverage

Peerthum were legally married. The

Figure 12: Payroll of labourers on contract on Labourdonnais Sugar Estate 1893-1896

Source: Courtesy of Sheilandra Peerthum

#### Reference 535 - 0.01% Coverage

Source: Courtesy of Sheilandra Peerthum

jointly an arpent plot of fertile land at Bois Mangue which is located in Rivière du Rempart district and a few kilometers from Labourdonnais Estate.

It was purchased through several instalments over a period of several years so that by the early 1920s, they were able to secure this plot of land through their savings. Furthermore, Ramdhuny Nundlall acted as the financial guarantor of their land acquisition which was registered at the office of a notary in Rivière du Rempart district. The essential question which arises is how did they pay for this land? As mentioned earlier, Seesurrin had been working for several years on Labourdonnais Sugar Estate as a cart driver, and even Sookbasseea was on the payroll of the above-mentioned estate. However, it is unclear what specific work she performed there. During the late 1910s, Seesurrin and Sookbasseea grew sugarcane on their newlyacquired land and, in between the rows, tomatoes were grown which they sold at a rate of 1 lb. for 1 cent.

Source: Château Labourdonnais

Their wages

#### Reference 536 - 0.01% Coverage

during the 1920s and 1930s

In 1925, Ramdhuny Nundlall the sirdar gave his daughter a plot of land of around half an arpent in size in the small village of Cottage and located next to Forbach Sugar Estate. He had purchased this land from a Franco-Mauritian planter and owner of Mon Tracas, a small Sugar Estate, from which part of the village of Cottage gradually emerged during the 1910s and 1920s. Between 1925 and 1926, Seesurrin and Sookbasseea, with the help of their relatives, started building their house in Cottage, barely two kilometres from where they were living on Labourdonnais Sugar Estate. In 1926, they left Labourdonnais Estate and settled permanently in Cottage. During the following year, in February 1927, Gianduth Peerthum, the eighth child of Seesurrin and Sookbasseea, was born and he was the first of many Peerthum children to be born in Cottage.

During the late 1920s and after, Seesurrin and Sookbasseea planted sugarcane and vegetables and were also involved in cattle-rearing on their land in Cottage. Furthermore, Seesurrin continued to work as a cart driver on Labourdonnais Estate until his death in 1933 and Sookbasseea was still on the payroll of the above-mentioned estate as long as her father remained a sirdar. In November 1931, Soorajduth Peerthum, the ninth and last child of Seesurrin and Sookbasseea, was born. He was barely two years old when his father passed away and never got to know him, unlike the other Peerthum children.

What type of person was Seesurrin Peerthum? This question was answered by a well-known and long-time resident of Cottage, Mr. Balram Nursimooloo, who is now 90 years. He is the grandson of an indentured labourer who arrived in Mauritius during the late 1800s from one of the Teluguspeaking districts. Balram was born around 1921 and was a sirdar on Labourdonnais Sugar Estate between the late 1940s and the 1960s. As a young child, he met Seesurrin Peerthum and was a good friend with Chandraduth.

Figure 13: Balram Nursimooloo

Balram

#### Reference 537 - 0.01% Coverage

a dhotee and tied

a

handkerchief around his head, just like almost all rural Hindu Indo-Mauritian men in those days. He was a quiet and sometimes a reserved person who did not interact much with the residents of Cottage, but rather spent a lot of his time with his friends and in-law on Labourdonnais Sugar Estate, when not at home.

Source: Photo by Satyendra Peerthum

#### Reference 538 - 0.01% Coverage

in reserve for his family.

Seesurrin tried to acquire a small plot of land near the village of Goodlands by making a verbal agreement with a Franco-Mauritian estate-owner there and provided him with a deposit. He also promised to make several installment payments over several years. The objective of Seesurrin was to obtain a half-arpent of marginal land which was located on the perimeter of the estate owner's property. Seesurrin invested a lot of his savings into clearing his plot of land which was rocky, uneven and not very fertile.

At the same time, he

#### Reference 539 - 0.01% Coverage

to get his money back.

This specific event had a huge impact on the lives of Seesurrin and Sookbassea Peerthum. After all, it traumatized both of them since they lost most of their savings. It may have also ruined the already fragile health of Seesurrin who had suffered from the Spanish Influenza in 1919. On 11th November 1933, Seesurrin Peerthum passed away at the age of 46 in Cottage and was cremated on a spot close to the village and Forbach Sugar Estate.

Sookbassea became a widow at

#### Reference 540 - 0.01% Coverage

Hurbunsea Peerthum: The Early Years

In the middle of this family crisis, Chandraduth Peerthum, my grandfather, who was only 16 years old, had no choice but to leave school after barely completing Standard VI. He took over his father's work as a cart driver on Labourdonnais Sugar Estate and assisted his mother and his brothers and sisters in the management of their properties in Cottage and at Bois Mangue. This sudden transition in the life of Chandraduth was a long and painful process which required him to be mentally, emotionally and physically strong and mature. Fortunately, he was able to rise to the occasion and shouldered his new responsibilities and help his mother Sookbassea bring up her children and the management of their properties. During most of the 1930s and the first half of the 1940s, he continued his work on Labourdonnais Estate.

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the 1940s and the 1950s

During the 1930s and 1940s, Chandraduth Peerthum developed a very close and lifelong friendship with Hurryparsad Ramnarain, the Trade Union leader and member of the Mauritius Labour Party. My father and his elder brother always called him "chacha". During the Second World War and the 1950s, Chandraduth Peerthum was a member of the village panchayat or a type of council of village elders and became a well-known figure in the locality, just like Ramnarain and Narsimooloo. In September 1943, in the aftermath of the tragic Belle Vue Harel massacre, he was one of the individuals who transported the body of Anjalay Coopen on his shoulders from the estate camp of Belle Vue to be cremated on a plot of land which had been donated for that specific purpose and located immediately to the North of Cottage. During the same period, Chandraduth, along with his two younger brothers, Gianduth and Soorajdutt, became active members of the Syam Sevaks of the Jan Andolan or People's Movement which was being led by Pandit Basdeo Bissoondoyal and Sookdeo Bissoondoyal.

During the 1930s and 1940s

#### Reference 542 - 0.01% Coverage

Pamplemousses/Rivière du Rempart district.

Chandraduth continued to work as a cart driver on Labourdonnais Sugar Estate until the late 1940s. In 1947, with his wife and children, he temporarily went to live at Mission Cross Road, Lallmatie. For one year, he resided in the house of Roopchand Manna and his wife Mrs. Manna who was the sister of Chandraduth.

My grandfather worked as a cart driver with Mr. Naga, his brother-in-law and a métayer who had obtained several acres of cane land near Lallmatie and Grande Retraite which belonged to UnionFlacq Sugar Estate. Chandraduth transported sugarcane from the Lallmatie and Grande Retraite area to the sugar mill of Union-Flacq, around 5 kilometres away. However, after more than a year, he decided to return to Cottage with his family, where he continued to work as a cart driver for Labourdonnais Sugar Estate until 1950. After two to three years, he obtained enough money with the financial help of Sookbassea, to buy a new cart and ox. Between the mid-1950s until the early 1960s, he delivered sugarcane for St. Antoine Sugar Estate as well as for Labourdonnais Sugar Estate. During the 1940s and the 1950s, in his spare time, Chandraduth was involved in planting, cultivating and selling of vegetables on the land which his family owned at Cottage. At the same time, he was also involved in the harvesting and transportation of sugarcane from the land which the Peerthum family owned at Bois Mangué.

While the 1950s was a

#### Reference 543 - 0.01% Coverage

Source: Courtesy of Bissondeo Peerthum

During the early 1960s, Chandraduth continued to work as a cart driver on Labourdonnais Sugar Estate which he eventually gave up. Between the early and late 1960s, he worked as a general worker for the Pamplemousses/Rivière du Rempart District and continued to grow his vegetables which he sold at the market of Goodlands. During the late 1960s, he left his work as general worker and kept himself busy by growing and selling vegetables. One day during the mid-1970s, Mr. Ramsewak, the President of the General Workers' Federation (GWF) and his followers came to Cottage to lay a wreath on the spot where Anjalay Coopen and her comrades were cremated. It was Chandraduth Peerthum who showed them the place, and

this moment is captured in a black and white photo. By 1977, he became eligible for an old age pension which helped to supplement his income. Chandraduth Peerthum passed away during the first week of August 1980. He was cremated on the funeral ground of Cottage where his father, mother, grandfather and wife had also been.

As I complete this report

#### Reference 544 - 0.01% Coverage

in the District of Moka.

According to information obtained orally from my grandfather, Sookdeo Ramchurn, Ramchurn 140734 worked as "labourer" at Bar le Duc Sugar Estate. Later, he became a sirdar. He also stated that Ramchurn 140734 was the owner of a large plot of land but after his death, a South Indian entrepreneur misappropriated the land. As Maratcheea Beechook was illiterate, she was tricked into putting her thumb print on a legal paper. Subsequently, she lost all her property and led a life of poverty.

Baichoo Ramchurn (2nd Second Generation)

#### Reference 545 - 0.01% Coverage

Birth Certificate of Baichoo Ramchurn

According to my uncle, Gyanduth Ramchurn, Baichoo Ramchurn started working at a very young age. He worked as a labourer on Bar le Duc Sugar Estate. He was a hard worker as well as being a very strict person. He lived in a house built of straw. He married Sohodry in the 1920's who was from Rivière du Poste.

No one in the family

#### Reference 546 - 0.01% Coverage

HISTORY OF THE RAMCHURN FAMILY

Kapildeo Ramchurn, my grandfather was the second son of Baichoo Ramchurn. He started working at the age of 14 for Ramdin Sugar Estate situated at Cluny. Then in 1954, he worked as labourer at Mon Desert Alma sugar-estate. At the age of 55, he left his job because of a mild heart attack.

He married Jasso Gunness, my

#### Reference 547 - 0.01% Coverage

as they are in Oriya.

His great-grandfather's name was Soodasie Dausoo, a sirdar at Ferney Estate. Truth and Justice Commission 328

VOL 3: PART I - INDENTURE

#### Reference 548 - 0.01% Coverage

TODAY Vijayalakshmi Teelock, Vice-Chairperson



The aims of the analysis of interviews of presumed descendants of indentured labourers are to uncover the world views, life styles, thoughts and perceptions of persons representing a sample of descendants of indentured labourers still living, working on sugar estates or in sugar industry. This is to facilitate further analysis and understanding of the situation of descendants of indentured labourers in accordance with the Act of the Truth and Justice Commission whose main objective is to “make an assessment of the consequences of slavery and indenture labour during the colonial period up to the present”.

A chapter on what the

#### Reference 549 - 0.01% Coverage

they were of ‘indentured’ origin.

These analyses of interviews with persons who had previously lived and worked on sugar estates was conducted in the 2007-2009 period, when the Voluntary Retirement Scheme was in progress. They were conducted by research staff of the Aapravasi Ghat Trust Fund and donated to the TJC who wished to know how Mauritians lived on those estates and what people felt about their lives there and what memories they had. Three themes suggested themselves: first, the life experiences of the people, and if and how have their lives changed over the years; secondly, for those with ‘memories’ of their parents’ and grandparents’ lives, to follow their evolution up to today and third, whether there were any variations regionally; fourth, how were Inter-ethnic and intra-ethnic interactions on estates, and lastly, what do they think of their history? The interviewees were between 65 and 70 years of age and their work-related memories were good: they provided factual information about their working lives. They talked little, however, about emotions, thoughts and more subjective issues. About 70% of interviewees were males and the ethnic /religious proportions reflected very roughly the religious/ethnic population of Mauritius still living on sugar estates in the regions studied today. The semi-structured interviews have been conducted by research assistants with interview sheets. All interviews were recorded on either audio or videotapes and an archival form created containing basic information about the informants. These 400 interviews were copied on CDs and donated to the Truth and Justice Commission. The Commission undertook to transcribe these interviews as a gesture of its appreciation for the donation. The methodology used in analyzing oral interviews continues to be discussed and debated in academic circles and interpretations of the same interview often vary among scholars. For this reason, the Commission requested scholars from varying disciplinary traditions and training to assess the consequences on indenture on descendants. This as the reports show, proved a very fruitful exercise. As much as there is variation in the views of informants, so is the situation in the interpretations of this experience by scholars possible.

The objectives of the Commission

#### Reference 550 - 0.01% Coverage

Consultant, TJC

##### 1. WORK CONDITIONS

In terms of the nature of work, there was continuity with the indentured period in terms of gender and age division in plantation work. Men were doing the Gran Bann or harder work, such as cutting the cane, loading it into carts, working in mills etc. while women were supposed to do the Ti Bann or lighter work like weeding, separating leaves from the cane, planting, rearing animals, working in the gardens or as domestic help in the estate owner’s household. Women were paid less and sometimes, half the wages of male workers. In addition, however they also did the household chores before, and after, this ‘light’ work: preparing meals, looking after the cattle, preparing children for school or work etc.

Ethnic profiling also continued from

#### Reference 551 - 0.01% Coverage

work as field labourers.<sup>2</sup>

Mobility was restricted on a sugar estate even after indenture. The majority remained in occupations related to the sugar industry: in the fields or the mill or in associated sectors such as work as mechanics of machines, drivers of lorries etc. Sugar was the only major crop grown at that time. Additional income was derived from cow rearing and selling milk by women, poultry and goat farming, providing domestic help, growing vegetables etc.

Mobility occurred within the sugar

#### Reference 552 - 0.01% Coverage

sirdarine<sup>3</sup> or providing domestic help

During the process of centralisation, at the end of the 19th century and at the beginning of 20th century, sugar mills closed down. Many labourers who lost their jobs, had to move to another mill. Some relocated and started tobacco and tea cultivation. However, some of the alternative vocations did not provide a regular income, and they had to return to work on the sugar estates.<sup>4</sup>

The life-style of some

#### Reference 553 - 0.01% Coverage

and others still, Paul Berenger.

The employment card introduced after Independence was considered a very useful step taken by the post-colonial Government to ensure fair treatment for sugar estate workers and to entitle them to facilities such as equipment, uniform, leave, medical, although some of these facilities had existed for other categories of workers and their implementation always remained questionable.

Most interviewees did not like

#### Reference 554 - 0.01% Coverage

natural childhood and overall growth.

Wage rates differed across regions and across estates. Children called chokras (Hindi for children) were not allowed to work officially <sup>11</sup> but received anything from 20 cents to 50 cents per day in the 1930s and 1940s. This increased with their age and type of job.

Workers in the mill were

#### Reference 555 - 0.01% Coverage

move to the camp.<sup>14</sup>

Most had lived on estate camps and gradually moved out to the villages. Living on a camp was a sign of poverty – those who were poor and could not afford lived on camps and there was a sense of

accomplishment in building one's own house.<sup>15</sup> However, there was also some nostalgia for camp life. It had several advantages: wood was obtained for cooking, grass for animals etc.<sup>16</sup> Most importantly, living near one's place of work saved much time, effort and resources and made life easier and more pleasant. However, the camp houses were not available for all the labourers and those who owned houses were not given one, even if they wanted to stay on camps.<sup>17</sup>

For women particularly, marriage had an important influence on changing their places of residence – from village to estate camp or vice versa.

Living conditions were not very

#### Reference 556 - 0.01% Coverage

started being built of concrete.

As occupational/ethnic policy existed, this was reflected in housing provision on estates. Labourers were housed in barracks or straw huts. Artisans had individual houses away from barracks. These were bigger, more spacious, built of concrete (while labourers' houses were made of straw or iron sheets).

#### 4. EDUCATION

Education appears as

#### Reference 557 - 0.01% Coverage

##### AND INTRA ETHNIC RELATIONS; RACISM

During the indenture period, labourers from different religions/ ethnic communities were housed together, without much consideration given to their religious/ethnic affiliation, on the estates. The plantation system did not differentiate much between the groups. It is interesting to note that almost all the respondents echoed the same appreciation of the peaceful coexistence of different communities in camps and villages. Most of the respondents underline the fact that different communities lived together in harmony, had mutual cooperation, helped each other, shared each others' values and customs and most importantly celebrated cultural religious festivals like Holi, Cavadee, Maha Shivratri together. The place of interaction and common celebration was usually the Baithka. Almost all the respondents underline the critical role played by Baithkas, as the critical space of shared belonging for everyone, in bringing the communities together. It was, however, near perfect living in harmony. Incidents did occur though, such as when some people put

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#### Reference 558 - 0.01% Coverage

WORKING AND LIVING CONDITIONS OF  
MAURITIAN SUGAR ESTATE WORKERS AFTER INDENTURE by  
LEO COUACAUD Consultant TJC  
Table

#### Reference 559 - 0.01% Coverage

Consultant TJC

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## Reference 560 - 0.02% Coverage

### SOCIAL CONDITIONS OF DESCENDANTS INTRODUCTION

It is ironic that we seem to know so much about the fate of indentured labourers in Mauritius and know so little about the experiences of workers in the sugar industry after the end of indenture. A cursory review of the literature on the history of employer and employee relations in the Mauritian sugar industry reveals that a majority of studies have focused overwhelmingly on the indentured labour period (e.g. Bissoondoyal 1984, 1986; Carter 1995; Allen 1999). That is not to say that no studies have focused on the working and living conditions of sugar estate workers after the end of indenture. For instance, the historian Daniel North-Coombes (1987) has provided us with a compelling account of the 1937 and 1943 strikes in the Mauritian sugar industry and what working conditions were generally like in the first half of the twentieth century. And the anthropologist Burton Benedict (1961), who conducted fieldwork in Mauritius in the 1950s, has provided us with a detailed study of the living conditions of Indo-Mauritians in villages and to a lesser extent in estate camps, a majority of whom were still reliant upon work in the sugar industry during this period. Nevertheless, one struggles to find any studies that address both the working and living conditions of sugar estate workers in Mauritius since the end of the indentured labour period. The following study represents a modest attempt at redressing this gap in the literature.

To rectify this imbalance in the literature, I will be relying to a significant extent upon the oral testimonies of elderly sugar estate workers, most of whom are between the ages of 60-80, and were interviewed by research assistants working for the Aapravasi Ghat Trust Fund (AGTF). In 2009, three research assistants, Stephan Karghoo, Christelle Miao Foh, and Dreesha Teelwah, along with the assistance of a number of community facilitators, interviewed over four hundred respondents from different parts of the island who had either worked on a sugar estate or had some form of association with the Mauritian sugar industry. The informants were asked to reflect upon not only what working conditions were like in the Mauritian sugar industry when they were younger, but also aspects of their private lives and cultural customs. For the purposes of this study, however, I will not be focusing on such things as wedding ceremonies, religious celebrations, rites of passage, inter-ethnic relations, or any other feature falling under the more general rubric of the cultural customs and practices of sugar estate workers in the earlier part of the twentieth century. To do so would take the study well beyond the scope of the mandate of the Truth and Justice Commission (TJC), one of the aims of which is to address the "consequences of slavery and indenture labour during the colonial period up to the present".<sup>49</sup>

Some might argue that to ignore the cultural customs and practices of elderly sugar estate workers is to ignore a vital dimension of the "consequences" of the indentured labour period in Mauritius. However, I would beg to differ from this view. As many scholars would agree, culture is an autonomous product of the mind, and cannot so easily be reduced to either physical or material constraints, or the direct effects of working in the Mauritian sugar industry. By this, I do not mean to suggest that working and living conditions

in Mauritius during the indentured labour period did not have any effect in shaping the cultural customs of Indian immigrants and their descendents. To do so would be very short sighted. But it is another thing entirely to argue that Indian immigrants came to Mauritius, empty-headed as it were, and let their lives be completely dictated to them by sugar planters. Culture, no doubt, was one of the few areas in which sugar planters found it more difficult to interfere in the lives of their employees. The example of African slaves who were brought to Mauritius before indentured labourers came from India and other parts of the world is an apt illustration. Many of their rights may have been denied to them as human chattel by slave owners, but that did not prevent African slaves and their descendents from finding ways to express themselves through music and dance or to cease practicing their spiritual beliefs.

The main benefit that stems

#### Reference 561 - 0.03% Coverage

#### AND SOCIAL CONDITIONS OF DESCENDANTS

the onset of the twentieth century. As a method of research, then, oral history can help us to redress some of these imbalances in the historical record and it can shed new light on old debates as I hope shall become evident in the course of this study. The type of people interviewed by the AGTF's research assistants and their community facilitators includes the views of field labourers, skilled artisans, sirdars, job-contractors, markers and other estate personnel. This study does not pretend to be able to encompass the views of all of these informants. Given that field labourers are the most numerous employees in the Mauritian sugar industry, it is inevitable that their views will receive more consideration than others. But this should not be taken to mean that the views presented in this report have been accepted uncritically, or without being exposed to some form of critical scrutiny.

There are instances for example where the informants tend to confuse certain details or fail to adequately specify at what point in time the events being alluded to in the interviews occurred. To a certain extent, this is to be expected, as we are dealing with events that occurred some time ago and peoples' memories are limited by personal interests and biases. Yet in spite of these limitations, one can still discern recurring themes in the interviews pointing to similar experiences that Mauritian sugar estate workers experienced in the earlier part of the twentieth century. As I was not involved in collecting the interviews myself, and cannot read Creole and Bhojpuri or speak either competently, the two main languages the informants used to express themselves, I have had to rely on the assistance of a number of research assistants employed by the TJC. I designed a template that required the research assistants to listen to the interviews and write down details pertaining to a list of criteria I tried to ensure remained as open-ended as possible whilst focusing specifically on working and living conditions. Thus, I do not think it can be objected that the informants have been asked leading questions or that a narrow body of data has been chosen that seeks to only elicit critical views of the Mauritian sugar industry. This much can be discerned by referring to the questionnaire used by the AGTF's research assistants and the template I had the TJC's research assistants use which are included at the end of this report. (Audio records and transcripts of the interview are available too.) What I should also add is that I have chosen to interpret their views in accordance with one of the main criteria of the TJC Act, which is to address the "consequences" of the indentured labour period, and which I primarily interpret to mean how Labour Laws have affected the lives of sugar estate workers.

In addition to the oral testimonies of field labourers and other personnel involved in the Mauritian sugar industry, this study refers to a number of official enquiries commissioned by the British colonial authorities to investigate the working and living conditions of sugar estate workers both during and after the end of the indentured labour period. Towards the end of the indentured labour period, the British colonial authorities finally became more serious about tackling some of the injustices and abuses that had become a pervasive feature of the system at the end of the nineteenth century. In 1875, a Royal Commission was

convened by the colonial government after being petitioned by a group of Indian immigrants who presented a list of grievances. When immigrants from India originally signed a contract agreeing to come and work in Mauritius they were promised they would be paid a basic wage and provided with free housing, medical assistance, and rations. However, many of the planters subsequently reneged on this agreement and either failed to pay indentured labourers the money they were owed for work they had completed or in many cases withheld their wages in order to try and re-indenture them. In addition to this, the medical attention they received was often less than satisfactory or their rations were arbitrarily reduced and they were forced to carry a ticket in order to allow them to travel beyond the radius of the sugar estate where they were housed and worked. Yet despite the fact that the 1875 Royal Commission highlighted these irregularities and made a number of recommendations to rectify this situation, many sugar estates in Mauritius were still failing to meet their legal responsibilities even after the end of the indentured labour period.

Nor should one assume that the official enquiries commissioned by the British colonial authorities were completely impartial or conducted as thoroughly as they might have been. One notices not only obvious discrepancies between the 1938 Hooper Commission and a similar enquiry by the Moody Commission in 1943 for example, both of which were commissioned to investigate the machinations of the Mauritian sugar industry after strikes by small planters and monthly-paid workers. But even in the Annual Reports of the Labour Department, established in 1938 to ensure that employers and employees met their legal obligations and to appoint field inspectors to conduct regular inspections of sugar estates, one also notices discrepancies in the reports written by the

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##### AND SOCIAL CONDITIONS OF DESCENDANTS

alternating Directors of Labour and Labour Commissioners. Where the 1938 Hooper Commission confidently declared for example that housing conditions in sugar estate camps were satisfactory and that planters were doing all they could to comply with the necessary Labour Ordinances and the Department's regulations. The 1943 Moody Commission unhesitatingly affirmed that sugar estate housing conditions in the north of the island left much to be desired, and that hospitals and medical dispensaries on sugar estates were often poorly equipped. Nor was the Labour Department above making the same kind of mistakes and displaying a pronounced sense of inconsistency in the official reports it released from one year to the next based on its inspections of sugar estates. Even so, these reports still provide us with an invaluable source of information about how working and living conditions in Mauritius have evolved over the course of the twentieth century and provide a welcome point of comparison to the oral testimonies of the informants interviewed by the AGTF's research assistants.

The crucial question put before

#### Reference 563 - 0.01% Coverage

of" or it is "an

implication of" the following. But can one go so far as to argue that sugar estates in Mauritius are culpable for the consequences of their actions if we are taking into account a time frame extending well beyond the twentieth century? "Truth Commissions", as they have come to be collectively referred to internationally, are relatively recent innovations intended for the most part to address crimes or wrongs committed against humanity in the twentieth century. Yet in spite of the wide yawn separating the indenture and post-

indenture periods in Mauritian history, I intend to argue that the Mauritian sugar industry does appear to be culpable for the reckless and at times callous manner in which it has treated its workforce. And, in particular, of flouting its legal responsibilities under existing Labour Laws. However, I should also add that this judgement is not necessarily applicable to all sugar estates in Mauritius, some of which have a record of treating their workers well beyond what was required of them by law.

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#### OF THE 1875 ROYAL COMMISSION

In order to make the case that the Mauritian sugar industry is culpable for its past actions, it is essential that we demonstrate that the industry has a poor track record when it comes to the way it has treated its workforce. One way of establishing this is to refer to the judgements that were handed down by the 1875 Royal Commission and to compare these findings to the industry's track record in the post-indenture period. The 1875 Royal Commission was convened by the British colonial authorities after being presented with a list of grievances by a group of Old Immigrants who principally complained about abuses relating to the ticket-pass system enshrined in the 1867 Labour Ordinance. Not being sufficiently conversant in English, their complaints were presented to the colonial government by Adolphe de Plevitz, a planter of German descent who offered a more comprehensive list of complaints of the injustices being committed by other planters under the indenture labour system in Mauritius. In their report, the Royal Commissioners sought to address both the petition of the Old Immigrants (or time-expired indentured labourers) and the various accusations outlined in Adolphe de Plevitz's pamphlet. The complaints outlined in de Plevitz's pamphlet were broader in scope and not only included criticisms of the behaviour of planters but also the failure of the colonial authorities to protect their British subjects. As part of their enquires conducted between 1872-1874, the Royal Commissioners interviewed various witnesses and visited 51 sugar estates and consulted the record books of estates to determine the validity of the accusations made by the petitioners and de Plevitz.

It is not the intention here to address all of the complaints pursued by the Royal Commissioners. Some of them, such as those pertaining to recruitment methods of immigrants from India, legality of contracts entered into in Mauritius as opposed to India, conduct of stipendiary magistrates empowered to pronounce verdicts on disputes between planters and labourers, ill-treatment of labourers by planters, or the abuse of the ticket-pass system, no longer seem to be relevant as they pertain more strictly to the indentured labour period. However, when it comes to complaints concerning the non-payment of wages and planters and sirdars or job-contractors making illegal deductions from the wages of labourers, or planters failing to provide adequate lodgings and sanitary conditions in estate camps, not only is it possible to demonstrate that these abuses continued after the end of the indentured labour period, but they are complaints that often appear in the oral testimonies of elderly sugar estate workers themselves. According to the 1875 Royal Commission, the non-payment of wages constituted one of the worst abuses of the indenture labour system as reflected in the large number of complaints brought before the courts by both Old and New Immigrants alike (Frere and Williamson 1875:582). Apart from keeping wages in arrears often for two to three months or more, the Royal Commissioners drew attention in particular to the "double-cut", a cunning method by which planters reduced the wages of labourers two days for every day they were recorded as being illegally absent. As the Royal Commissioners point out in their report, the double-cut was not in itself illegal, as what was originally viewed by the British colonial authorities with some degree of apprehension when it was first proposed by the planterdominated Legislative Council, eventually passed into law with the passing of Ordinance No. 16 of 1862 (cf. Frere and Williamson 1875:303-311). It was the actual manner in which the double-cut was used by planters, not to mention sirdars and job-contractors, to make deductions from

wages by recording labourers as absent when they did not complete a set task that the Royal Commissioners deemed to be illegal.<sup>50</sup>

Not only did the double

#### Reference 565 - 0.01% Coverage

Frere and Williamson 1875:310).

What confirmed how widespread this illegal practice was for the Royal Commissioners was when they consulted the pay books of sugar estates. Upon inspecting these books, such as those of a member of the Chamber of Agriculture, whose conduct the Commissioners presumed should have been more exemplary than others, they found clear evidence that the proprietor of the estate had been fudging his records (Frere and Williamson 1875:312). Apparently it was common practice for planters to mark labourers as absent for unfinished tasks in the columns of their books, but when asked by the Royal Commissioners to inspect their books and pay-sheets, it was evident that pencil notations had been deliberately rubbed out to mislead the Commissioners.

However, we should not be deluded into thinking that the illegal use of the double-cut to make deductions from wages of labourers was only restricted to the planters. Although mention is often made in the literature on indentured labour in Mauritius to the usurious rates of interest charged on loans to labourers by sirdars and job-contractors, rarely do we find any reference to the fact that sirdars and job-contractors also took advantage of labourers and “robbed” them of their wages (Frere and Williamson 1875:403). The 1875 Royal Commission seems to be less clear about the evidence against sirdars, who, like job-contractors, were resented by planters because they could not control them and also because they were highly dependent upon them. With respect to jobcontractors however, which the Royal Commissioners point out in their report is “closely connected with the Sirdar system-the Sirdar being, in fact, a job-contractor under another name”, the evidence is much clearer. The Commissioners cite a report by a Stipendiary Magistrate named Mr. Daly, who, based on his half-yearly inspection of estates in the district of Savanne, claimed that

[J]ob contractors are, of

#### Reference 566 - 0.01% Coverage

Frere and Williamson 1875:414)[.]

In fact, there is also evidence of job-contractors resorting to the double-cut in order to prolong the contracts of labourers in their gangs and of making false records in their pay-books. Just like planters, job-contractors were able to take advantage of the 1862 Labour Ordinance to mark as absent labourers who had to walk five miles to work and thus spent half their time walking rather than working, or of being able to gain one month of work at no expense if a labourer was absent 14 days in a month (Frere and Williamson 1875:416, 418). One of the reasons planters resented jobcontractors was because they were able to gain these benefits without having to provide the same kind of facilities that planters were required to by law. Yet there is evidence that some jobcontractors owned or ran their own estate camps and of even providing rudimentary medical care in some cases.

The 1875 Royal Commission is more equivocal when it comes to its pronouncements on the state of lodgings in estate camps. According to the Royal Commissioners, it was not until a new ordinance was introduced in 1867 that planters were required by law to provide lodgings for their labourers, as the provision of lodgings had until then depended upon the contractual agreement signed between the parties prior to the immigrant leaving India. However, as the Commissioners go on to point out in their report, it



had in fact become customary for indentured immigrant labourers from India to be housed by planters, and initially it would appear that many were housed in the former

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#### Reference 567 - 0.01% Coverage

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lodgings of slave labourers. The Royal Commissioners state that most dwellings in estate camps were made of thatch and straw, but they also visited several estates that had stone range barracks, among them "Mont Choisy", "Bois

#### Reference 568 - 0.02% Coverage

wording of the law.<sup>52</sup>

Concerning its pronouncements on sanitary conditions in estate camps, however, the 1875 Royal Commission is much less equivocal. Perhaps in view of the recent malaria epidemic that claimed thousands of lives several years before the proceedings of the Royal Commission in 1867, the Commissioners were emphatic about the need to maintain sanitary conditions in estate camps and to ensure that planters did their bit to reduce the risk from pestilence. They complained about the numerous untidy camps that they saw on their estate visits, of pigs and other livestock running amok amongst piles of refuse that had not been properly disposed of, and of inadequate latrine provision.

On 206 estates from which we have received returns, there are only 13 on which there are any arrangements whatever for conservancy in the camps. At "Providence," as mentioned before, we found one camp swarming with pigs and filth, but the other as clean and neat as could be wished. So also at "Beauchamp," where the people were certainly well-treated, the camp was in bad repair, dirty, untidy, and swarming with pigs. The very excellent camp at "Labourdonnais" was dirty, notwithstanding that there was a most suitable "parc à cochons" for the pigs; and while the planters object to Government appointing the medical men, because it will sever the connection between the labourers and their employers and put an end to the interest the planters take in their labourers, they will not hear of being made answerable for state of the camps, in which they lodge their labourers and foster the causes of sickness, because if they should trouble themselves upon those subjects, the labourers will leave them, and go to other estates where they are allowed to do more as they please (Frere and Williamson 1875:351).

The general view at the time, both amongst planters and British colonial officials, was that Indian immigrants cared little about hygiene and would have refused to re-engage if planters interfered and forced them to maintain cleaner dwellings. The Royal Commissioners seem to have seen through this ruse, however, and suggested it was more likely that planters used this reasoning as a convenient excuse to avoid having to pay the cost of improving sanitary conditions in estate camps. As the Commissioners point out in their report, they had evidence before them that Indian immigrants were willing to use latrines when planters made these available in estate camps (Frere and Williamson 1875:351). And upon asking a stipendiary magistrate who conducted half-yearly inspections of estates if he thought that sanitary conditions were worse in camps or the villages of Indian immigrants, they were told that conditions seemed more preferable in villages than estate camps (Frere and Williamson 1875:350).

The Royal Commissioners did not reject out of hand the planters' argument that Indian immigrants were less conscientious about hygiene than Europeans seemed to be, pointing in particular to their propensity to use cane fields when latrines were not available. Nonetheless, they were adamant that planters should be held to account and "made answerable, not only for the health of their labourers, but that their habits

do not tend to injure, not only their own health, but that of others.” In their report, the Commissioners make a number of recommendations regarding how planters might improve sanitary conditions in estate camps, the introduction of a system of latrines being one of the most important conditions they identified (Frere and Williamson 1875:591). In addition to this, they also recommended that inspectors should be empowered to enforce

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compliance with sanitary regulations and to penalise offending parties without the need to resort to police intervention.<sup>53</sup> The Commissioners were no doubt unaware of how prescient their recommendations would later turn out to be. In the early 1920s, J.F. Kendrick, a medical expert working for the International Health Board, a philanthropic organisation funded by the Rockefeller Foundation, came to Mauritius and wrote a report in which he urged the colonial government to tackle the hookworm epidemic gripping the colony. Until Kendrick’s report, which was released in 1920, it was not generally known how many people suffered from hookworm disease; but according to Kendrick, as many as two-thirds of the population were suffering from this parasitic form of disease (cited in Balfour 1921:15). Kendrick’s report left no doubt that failing to address the island’s sanitation problem, in particular the shortage of latrines in rural areas, would have disastrous long-term consequences for the health of the wider population. Yet in spite of these recommendations, sugar estates continually failed to tend to this problem well into the twentieth century.

#### WORKING CONDITIONS OF MAURITIAN SUGAR ESTATE WORKERS AFTER INDENTURE

The working conditions of sugar estate workers in Mauritius have changed quite considerably since the end of the indentured labour period. The construction of large factories and in particular the mechanization of tasks that used to be done by hand has radically transformed the industry, leading to massive reductions in the size of the workforce. But upon comparing the description of cultivation and planting techniques summarised in the 1875 Royal Commission (Frere and Williamson 1875:289-292) with that of the Hooper Commission, which was written in 1937 (Hooper 1937:113-118), it is remarkable how little things had changed within the first half of the twentieth century. Not only were the cultivation and planting techniques very similar, but even the tools that labourers used do not appear to have changed very much. Tools such as the pioche (hoe), pince (crowbar), and gratte (scraper), were still being used in the first half of the twentieth century to carry out tasks such as removing rocks and weeds that were being performed in the nineteenth century. And although neither the 1875 Royal Commission, nor the Hooper Commission, deign to mention it, it is more than likely that most labourers were also working in the cane fields barefooted and without any form of protective clothing. The consequences this had for the likelihood that labourers sustained work-related injuries will be discussed at a later point. To begin with, however, I would like to reproduce the Hooper Commission’s description of what working conditions were like in the first half of the twentieth century in Mauritius. In spite of the fact that the Commissioners acknowledged there was no uniform method of cultivation in the Mauritian sugar industry, as conditions varied not only from one region to the next, but also from estate to estate, nonetheless, their summary provides us with a very good overview.

The tasks may be divided

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performed as one operation.

'Épierrage'.

The next task is 'épierrage' or clearing the land of stones and rocks. This is occasional work and does not always form part of the normal work of a labourer on a sugar estate. This is followed by 'pinçage', which consists of removing the stones from the holes with a 'pince' or crowbar.

Planting cane tops Truth and

#### Reference 571 - 0.03% Coverage

case of virgin canes.

'Dépaillage'

The operation of 'nettoyage' is usually followed by 'dépaillage', which is carried out just before cutting begins. 'Dépaillage' consists of removing all superfluous leaves adhering to the cane. 'Dépaillage' completes the number of operations performed during the inter-crop and is followed by the work of cutting and transporting the cane, the conditions of work being the same in respect of ratoons as in the case of virgin canes, subject to the proviso that rates for cutting ratoons are slightly lower than in the case of virgin canes, as the work is considered to be of a slightly lighter nature. These are the principal operations performed on a large estate, from the clearing of land preparatory to planting, up to the operation of crushing the cane in the factory.

The Hooper Commission's description of cultivation and planting techniques in the Mauritian sugar industry in the first half of the twentieth century is admittedly limited in some respects, as there is no reference for example to how estate land was ploughed prior to planting, be it either by oxen or mechanized tractors. But it should suffice for our present purposes, as the type of tasks that it describes are the same as those described by the elderly sugar estate workers who were interviewed by the AGTF's research assistants, most of whom were field labourers.

As the Hooper Commission's description of cultivation and planting techniques in the Mauritian sugar industry in the first half of the twentieth century implies, the main criterion used to distinguish men and women's work is the physical strength required to do arduous tasks. Lighter tasks such as spreading manure, weeding and removing straw from cane was usually performed by women or a third group of workers consisting of women, children and invalids and also appears to have been used as justification for paying them less than men (cf. Hooper 1937:166). However, it would also appear that women were required to perform more physically demanding tasks than men normally performed and were perhaps better suited to doing such as cutting cane, loading it, and the removal of stones. In an undergraduate dissertation by a student of the University of Mauritius who interviewed four elderly female sugar estate workers, some of whom were still working at the time, several of the informants complained about having to perform physically demanding tasks in the past like loading cane. "We had to walk on the 'mardier' [wooden plank] to put the cane in the 'corbeil' [cane barrow]. It was ... very exhausting work for ladies like us. We had to put the cane on our head and walk along the 'mardier', which was very high. We used to fall down too (Sooben 2009:17)." The elderly female sugar estate workers interviewed by the AGTF's research assistants echoed this sentiment, but several of the informants<sup>54</sup> also claimed they were paid less for doing tasks men normally performed. It is difficult to determine the veracity of this claim. For instance, if we refer to the Annual Report of the Labour Department (ARLD) of 1945, which provides a detailed breakdown of the tasks men and women were supposed to perform and their rates of pay as outlined in an amendment to the Minimum Wage Ordinance of 1934, it states that women who work in the Grande Bande were not exempt from doing any tasks "except holing, uprooting, forking, and crowbar work".

In Mauritius, the "Grande Bande" and the "Petite Bande" is a way of organising workers into teams who are responsible for performing specific tasks going right back to the early days of indenture. These groups are still used in the Mauritian sugar industry today, and as I alluded to above, the main criterion used to

distinguish the tasks that each group should perform is based on the physical strength required to perform certain tasks. This criterion has been used as further justification to determine the wage levels of workers in the two groups, with the obvious ramification that labourers who work in the Grande Bande are paid more than those working in the Petite Bande (or "granban" and "tiban", as Mauritian sugar estate workers more commonly refer to them in Creole). Yet while it is does not appear that women were exempt from doing physically demanding tasks such as cutting and loading cane for instance, tasks often described by both male and female informants as being the province of men who worked in the Grande Bande and which they accordingly rationalized was the reason men were paid more than women. The ALDR of 1945  
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indicates that women who worked in the Grande Bande were being paid less for doing tasks that appear to be little different to that which men who worked in the Petite Bande performed (ARLD 1945:24-26). According to the ARLD of 1945 men who work in the Grande Bande are "required to perform any sort of unskilled or semi-skilled labour on a sugar estate", while men who work in the Petite Bande are "required to perform the same sort of labour ... but with a reduced task and not bound to do holing". This sounds like the same type of tasks that women who worked in the Grande Bande were expected to perform, and indeed if we compare the ARLD of 1956, which reproduces a copy of a collective agreement reached between the Mauritius Amalgamated Labourers' Association and the Mauritius Sugar Producer's Association, it states that women working in this group were not expected to cut or load cane.

Women, Class, I, Grande Bande

#### Reference 573 - 0.01% Coverage

basket" (ARLD 1956:21-22).

Thus it entirely conceivable those female sugar estate workers who were not covered by this agreement would have been paid less than men were. And by the same token, we should not rule out the possibility that those female sugar estate workers who were covered by this agreement were also paid less than men for doing similar types of tasks if their employers failed to abide by the collective agreement.

Further light can be shed on these claims by referring to Labour Laws that have been enacted over the course of the twentieth century and how they have affected female sugar estate workers. It is of interest to note that until 1973, no law had been introduced delineating what types of tasks female labourers were expected to perform.<sup>55</sup> Although the Minimum Wage Ordinance of 1934 stipulated the rates of pay and types of tasks to be done by both male and female labourers, the amendment the colonial government made to the ordinance in 1944 was principally aimed at ensuring that sugar estates complied with the law and paid labourers the wages they were entitled to, as one of the main conclusions to stem from the 1943 Moody Commission report was that the failure of the industry to implement minimum wage rates was one of the chief causes of the 1943 strike. This apparent neglect of the rights of female labourers, which probably goes some way towards explaining why they were paid less for doing some of the same types of tasks as men, may also reflect their marginal position in the Mauritian sugar industry since the days of indenture. As Marina Carter (1992:115-116) has pointed out, Mauritius was exceptional insofar as after 1842, it was the only [British] colony which failed to engage Indian women as indentured labourers. The numbers of women formally employed on estates was consequently never very high, even in the principal sugar-growing districts ... In 1846 9% of the total Indian female population was registered as part of the plantation labour

force. At the time of the malaria epidemic in 1867, less than 100 women were reported as working on the sugar estates. By 1871, when the next census was taken, this figure had risen, even so, only 7% of women [or 1,808 Indian females out of a total estate population of 24,425] were officially employed as plantation workers.<sup>56</sup>

With the end of indenture

#### Reference 574 - 0.01% Coverage

of the Mauritian sugar industry.

Probably no singular explanation can account for this dramatic rise in female participation rates in the Mauritian sugar industry as the twentieth century unfolded. The elderly female sugar estate workers who were interviewed by the AGTF's research assistants provide a number of different reasons as to why they decided to become labourers. Some women for example were forced to work after their husbands were incapacitated by a life-crippling injury, while others stated that after their husbands died, they had little choice but to become labourers in order to look after their children. Many of the informants also indicated that they opted to become labourers after

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getting married, though without always providing a succinct explanation for their actions. One is tempted to ascribe this decision to the need for women to play their part in contributing financially to the upkeep of poorer families, in view of the fact that there would be more mouths to feed after getting married and having children. But as tempting as it might be to point to rising levels of poverty as a way of accounting for these increases in female workforce participation rates, one has to temper this possibility against the knowledge that many women did not feel compelled to enter the workforce but instead preferred to stay at home in order to raise children or to work on their own land and to rear livestock (cf. ARLD 1950:30). One also has to ask why it is that sugar estates in Mauritius, which previously had shown an aversion to employing female labourers during the indentured labour period, increasingly opted to employ more female labourers over the course of the twentieth century. These numbers continued to increase such that by the end of the Second World War, female labourers accounted for almost half of the Mauritian sugar industry's workforce, or a maximum of 18,126 female labourers at the height of the crop season in 1945 (ARLD 1945:46). It is important to note, however, that more female labourers tended to be employed during the inter-crop period whereas men made up the bulk of field labourers during both the inter-crop and crop periods. The same logic used to determine how much men and women should be paid for the types of tasks they performed, also seems to account for the industry's preference to employ more women to do lighter tasks between crops and for men to do heavier tasks such as harvesting cane when the crop has to be harvested.

As indicated earlier, after independence, a law was finally introduced restricting the types of tasks female sugar estate workers were allowed to perform. It was part of a wider political movement in the 1970s led by Paul Bérenger and the Movement Militant Mauricien that sought to improve the working conditions of Mauritian workers. Although it may not have appeared so at the time, the introduction of a series of laws requiring sugar estates to provide workers with protective clothing represents perhaps one of the most important advances made on behalf of labourers in the Mauritian sugar industry by the trade union movement.<sup>57</sup> The failure or lack of willingness on the part of most sugar estates to furnish their employees

with basic protective clothing is one of the most frequent complaints that appear in the interviews of elderly sugar estate workers. Perhaps more any other complaint, this issue demonstrates the callous attitude of the Mauritian sugar industry towards its workforce, for it appears that most sugar estates would not have felt compelled to do anything until forced to do so by the intervention of trade unions and the subsequent ratification of these demands by the national government. Although both male and female labourers often complain in their interviews of not being provided with protective clothing and of having to provide their own tools, the most poignant testimonies are usually furnished by elderly female sugar estate workers. For instance, one informant<sup>58</sup> complained she would hurt herself

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informant<sup>58</sup>

complained she would hurt

herself when she had to remove straw from the sugarcane just prior to it being cut by male labourers (the process described as *dépaillage* in the Hooper Commission's summary above). She also says that she used to wear "linz lakaz", that is, her everyday clothes to work, and that workers were not provided with uniforms, boots, gloves and masks until after independence. Similarly, in Pamela Sooben's (2009: 16-17) undergraduate dissertation referred to earlier, the elderly female sugar estate workers she interviewed complained of having to remove straw from sugarcane. In order to protect themselves, they wore long socks over their hands, but that still did not prevent the straw from piercing their old socks and drawing blood from their hands. "When the sirdar asked us to remove 'divet' from sugarcane, especially 'canne coulou', we would run away because these "divet" pierced our old socks, hands and fingers. We also used to get rashes". These women also complained of finding it difficult to cook for themselves after a day's work because of the injuries they sustained to their hands while working in the cane fields without gloves (Sooben 2009:8).

It is instructive to compare photos taken of sugar estate workers in Mauritius in the first half of the twentieth century with ones taken more recently (see opposite page). In the older photos, the male and female labourers working in the cane fields are all working bare-footed and are attired in their everyday clothes. Whereas in the more recent photos, they are wearing boots and gloves to protect their feet and hands, a hat or scarf to cover their heads, and their uniforms are made of much thicker and sturdier material.<sup>59</sup> If we are to go by the interviews collected by the AGTF's research assistants, it would appear that for much of the twentieth century, most Mauritians got around without any form of footwear whatsoever. For example, one informant<sup>60</sup> states he had little choice because tennis shoes were too expensive in those days. While a number of other informants describe the type of footwear they wore when footwear became more affordable, such as the "tanga", "mariposa", and "kalpa", which from what I have been able to gather were canvas

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their heads from the sun.

One could argue the Mauritian sugar industry may not have seen why they had to provide their workforce with protective clothing when for a greater part of the twentieth century they went without footwear and worked in their everyday clothes. To do so though would be to invoke the same type of reasoning that

planters resorted to in the days of indenture to avoid incurring expenses on the grounds Indian immigrants faced worse conditions in their country of origin and there was no need to make any improvements. As the Royal Commissioners pointed out in their 1875 report, however, Mauritius was not India, and the planters bore a moral responsibility to ensure that they provided working and living conditions of benefit to the wider society (Frere and Williamson 1875:352). In any event, it is still odd that the colonial authorities themselves never seem to have recognized the importance of legislating for the provision of protective clothing for field labourers on sugar estates even though measures had been put in place to compensate workers for work-related injuries. The enactment of the 1931 Workmen's Compensation Ordinance covered workers who were incapacitated as a result of a work-related injury for a period of more than seven consecutive days. In addition to this, the Factories (Safety of Workers) Ordinance was enacted in 1939, but it principally applied to factory workers. Prior to 1960, the Annual Reports of the Labour Department do not provide details about the type of injuries that field labourers sustained on the job as they only focused on factory workers. In 1960, however, for the first time, the Labour Department provides a detailed breakdown of the type of injuries field labourers complained about to labour inspectors. Where the previous focus had been on factory workers, now the inspectors broadened their enquiry to include statistics of different industries, "cause of injury", "nature of injury", "location of injury", and "duration of incapacity". Of particular interest are their statistics for the sugar industry. As the statistics illustrate, out of a total of 3,152 work-related injuries recorded for the sugar industry in 1960, a majority of these injuries were of short duration, affected the upper and lower extremities, resulted in contusions, abrasions, and punctured wounds, and were caused by stepping on or striking against objects and the use of hand tools. In other words, the kind of injuries that field-labourers who are not provided with protective clothing are likely to sustain (ARLD 1960:53-57).<sup>62</sup>

But perhaps the most serious complaint that comes out of the interviews with elderly sugar estate workers are those pertaining to non-payment or under-payment of wages. It most clearly demonstrates a long-term pattern of exploitation by personnel in the Mauritian sugar industry going back to the early days of indenture. As I pointed out earlier, the 1875 Royal Commissioners concluded one of the worst abuses committed by planters were the illegal deductions they made from the wages of indentured labourers. It is highly disconcerting to learn, therefore, that these abuses appear to have continued well after the end of the indentured labour period. These abuses have not only been documented in the various enquiries convened by the colonial authorities into the machinations of the Mauritian sugar industry after the end of indenture, but are also underlined in more recent commissions of enquiry convened after Mauritius became a republic. More often than not, complaints pertaining to illegal deductions made from wages primarily apply to jobcontractors, but in the interviews collected by the AGTF's research assistants, there is also evidence that estate personnel and managers have been complicit in these abuses. A point not lost on the commissioners involved in both the Hooper and Balogh Commission enquiries (Hooper 1937:166-167; Balogh 1963:149-151), who noted that these abuses could not have continued without the tacit knowledge or cooperation of the managerial staff of the Mauritian sugar industry. The crucial question that remains, however, is how it is possible that these abuses were allowed to continue despite the fact that they have been extensively documented in the various commissions of inquiry into the Mauritian sugar industry convened since the end of the indenture labour period.

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The passing of the 1922 Labour Ordinance marks an important turning point in the history of Mauritius as it finally did away with the use of penal sanctions in civil contracts between planters and labourers and

coincided with the end of the indenture labour system. However, it only covered immigrants and did not theoretically apply to Mauritian-born labourers and the forfeit of wages for breaches of contract was still allowed under this ordinance. It was only with the passing of the 1938 Labour Ordinance, which sought to implement the recommendations of the Hooper Commission of enquiry into the 1937 strikes, that fining labourers for bad or negligent work was finally disallowed. This ordinance was applicable not only to monthly but also casual workers and was responsible for introducing a raft of changes such as a six day working week and eight hour day, legislating for over-time work, the registration of trade unions, maternity allowances for women, the regulation of sanitary conditions on estate camps, and paved the way for a transferral of power from the Protector of Immigrants to the newly created Labour Department. Yet in spite of these legislative changes, there is evidence that job-contractors, sirdars and estate managerial staff were still marking labourers as absent when they failed to complete a set task or forced them to redo tasks they designated as unfinished. The use of the double-cut, or fining labourers two days wages for everyday they were absent, seems to have been discontinued with the end of the indenture labour system, although Daniel North-Coombes (1987:30) claims it was still being enforced in 1938. But that does not mean that the practice of marking labourers as absent when they had done a day's work, or "maron", in the words of the elderly sugar estate workers themselves,<sup>63</sup> and making illegal deductions from the wages of labourers was itself discontinued.

The oral testimonies of elderly sugar estate workers are quite emphatic on this point and suggest the practice was widespread in the Mauritian sugar industry. It affected both male and female labourers and the informants describe being forced to redo tasks or marked as absent and having their wages deducted by not only sirdars and job-contractors, but also field supervisors, markers and estate managers. For instance, one female informant<sup>64</sup> says that at the sugar estate where she worked, sirdars were harassing labourers all the time and would tell them that their work was not satisfactory, and of being forced to start all over again. She said that at times the situation got so frustrating that she just wanted to sit down and cry. Another informant<sup>65</sup> describes the sirdars<sup>66</sup> where he worked as being very strict with workers and forcing labourers to collect wood for them, and alleges that when "markeurs" (i.e. pay-roll clerks) paid workers, they would rob them of their wages. An informant<sup>67</sup> who rose from being a field labourer to work as a marker himself, also describes sirdars engaging in these illegal practices, referring to it in French as "trucages". Describing his responsibilities as a sirdar, another informant<sup>68</sup> said that at the sugar estate where he worked, the "kolom" (or field supervisor) would check on the work of sirdars and labourers and that if he was not satisfied with the quality of the work, he would mark labourers as "ena sans al maron"<sup>69</sup> and that they "pa gagn zot kas".<sup>70</sup> Similarly, another informant<sup>71</sup> states that the manager of the estate where he worked would order sirdars to tell the labourers to redo their work if he was not satisfied with the quality of their work, even if they had done it properly. As the informant points out, "misie-la" (the estate manager) would come and check on the labourer's work after two days, hence by this time some of the weeds could have grown back, making it easier for him to find an excuse to tell the labourers to redo their work and deduct their wages. The informant added that he and his workmates could not contest the orders of the estate manager and they had no choice but to complete the "latas" (or load of work), even if they found it too difficult. Of course, this would have also made it easier to deduct the wages of labourers on the pretext that they had failed to complete the task required of them.

It should be pointed out that a number of informants confirm that there were instances of labourers not doing their work properly and describe sirdars and other estate personnel who they worked under as being very reasonable and pleasant to work with. But that should not detract from the fact that abuses have taken place, and that practices that one would expect to be more characteristic of the indentured labour period, continued after the end of indenture.<sup>72</sup> Complaints pertaining to the non-payment of wages, and in particular job-contractors, appear in the reports of various commissions of enquiry convened to investigate working conditions in the Mauritian sugar industry since the end of indenture but the problem never appears to have been stamped out. The Labour Department, later renamed the Ministry of Labour in 1962,



and the Ministry of Labour and Industrial Relations in 1974, started documenting the complaints of labourers in their annual reports as early as 1938, and complaints pertaining to the non-payment or under-payment of wages are one of the most common complaints that appear in their reports.<sup>73</sup> As can be seen from their reports between the years of 1951-1980/81, which actually document the sums involved, the sums

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to say on the matter.

Most of the commissions of enquiry that have been convened to investigate the machinations of the Mauritian sugar industry since the end of indenture have principally focused on complaints pertaining to insufficient wages and the failure of millers to pay small planters a fair price for their cane. Since these complaints do not appear in the oral testimonies of the elderly sugar estate workers who were interviewed by the AGTF's research assistants, I do not intend to pursue those issues here. The first commission convened after the end of indenture was the Hooper Commission. The Hooper Commission was convened to investigate the 1937 strikes led by casual workers and small planters. Amongst other issues, it states that One of the principal complaints of the casual labourer is that before paying him his wages, the contractor, or entrepreneur, caused more work to be done by him than he was paid for, by using a false gaulette, retaining the difference for himself; the labourers claim that very often they are at the mercy of the contractors, as they do not know, or are not told, the amount of work they have done and have to take what the contractor gives them. They allege that the estates openly connive at the breach of the law by contractors, whose names occasionally are fictitiously borne on the estate books as estate employees, in order to save the contractor the necessity of paying the licence fee; and that estates frankly expected the contractors to take a small percentage of the pay of workers per gaulette in part payment for their services (Hooper 1937:166-167).

Noting the frank admission by some estate managers as to their lack of knowledge of precisely how much contractors were paying casual labourers since they paid contractors a lump sum for performing an agreed upon amount of work and left the payment of labourers in their hands. The commissioners recommended that one way of countering this problem was to have the estates pay labourers directly and to introduce a more thorough system of record-keeping of hours worked by labourers and wages paid, and that "the amount and remuneration for all tasks should be made public by being posted up on a board and that the measurement of all fields should be posted up". The commissioners also appear to have accepted the labourer's claim that contractors were cheating labourers by under-recording the amount of work they were actually doing by employing misleading methods

of measurement (i.e. the

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taking place, as measures had

specifically been put in place to "exclude such malpractices" along the lines first recommended by the Hooper Commission. Yet it is interesting to note that at least with respect to ensuring estates and job-contractors kept accurate records of hours and wages earned by labourers after the 1938 Labour Ordinance passed into law, the Labour Department was continually turning up evidence of poor recording keeping practices and for which labour inspectors often fined them. These protestations of innocence may sound somewhat hard to believe coming from an industry that does not have a very good track record when it

comes to honouring their legal agreements and who, with the benefit of hindsight, and the oral testimonies of elderly sugar estate workers, appear to be directly implicated in perpetuating these abuses. But of course the sugar estates have always had a vested interest in making sure the job-contracting system was not abolished as it would have put an end to one of their main means of recruiting workers, particularly since the industry has consistently been moving towards the employment of casual workers and the retrenchment of monthly or full-time workers for the greater part of the twentieth century.

In line with the findings of the Hooper Commission, the Balogh Commission proposed that the best way to eliminate these abuses was for the estates to pay labourers directly. But in contrast to the 1961 Meade Economic Report, it stopped short of calling for the abolition of the job-contracting system, even though the commissioners stated that they hoped "eventually the job-contracting will be replaced by more conventional methods of labour recruitment" (Balogh 1963:151). They, too, it seems, recognized the job-contracting system played a vital role as a method of recruiting workers for the sugar estates and desisted from making any recommendations that would hamper the ability of the industry to hire workers. The next time that complaints about job-contractors resurfaced was in the 1983 Manrakhan Commission of enquiry into the Mauritian sugar industry. The commission's allusion to this complaint is very brief, and for the most part relates to the fear labourers had of being employed on less favourable terms under job-contractors as a result of further pushes to mechanize the industry and retrench full-time workers during the 1980s (Manrakhan 1983:118-119). The key words here are "less favourable terms". In a conversation I had recently with the secretary of the Sugar Industry Labourer's Union, Mr. Revanand Ramjuttun told me that as more sugar estate workers accept Voluntary Retirement Schemes (VRS), many are reemploying with job-contractors under less favourable terms. Not only are they forced to sacrifice many of the benefits that they used to enjoy as full-time workers, but they are also being paid less than they were before and their bargaining power has been completely diminished. Thus, one is tempted to question just how beneficial VRS redundancy packages actually are for the average sugar estate worker in Mauritius.

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#### LIVING CONDITIONS OF MAURITIAN SUGAR ESTATE WORKERS AFTER INDENTURE

One of the main purposes of the AGTF's oral history project was to find out more about estate camp life as it is recognized that this way of life is fast disappearing.<sup>77</sup> But underlying this recognition was the problematic assumption that residents of estate camps are purported to be the direct descendents of the first waves of indentured labourers from India who were housed on the estates. This uncritical assumption is reflected for instance in the Hooper Commission's report which in comparing the complaints of casual and monthly workers during the 1937 strikes, states that monthly workers "are the descendants for the most part of the original indentured immigrants (Hooper 1937:161; cf. Hooper 1937:176). This assumption appears to be informed by the belief that estate camp populations are stable communities that have been insulated from demographic fluctuations and change. Thus, according to this line of reasoning, estate camp residents should be viewed as being the most direct descendents of the "original indentured immigrants", as the Hooper Commission report describes them, because their living conditions most

closely

approximates what life was

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their living conditions most  
closely

approximates what life was like for indentured labourers during the nineteenth century and their communities have remained largely undisturbed. But as the Annual Reports of the Labour Department show, after the end of indenture, estate camp populations were not in fact stable communities consisting of people who it can be claimed were the direct offspring of former estate camp residents, as these communities were subject to back and forth movements and the injection of new arrivals. For instance, in 1945, the Labour Department undertook a census of estate camps and not only determined that just under 50% of the population were born outside the estate camps but that "workers easily move from camp to village and back again as it suits their convenience, [while] others are firmly attached either to their village or to their estate camp".

There is another reason why this assumption is problematic. As I pointed out in a subsequent review of the various memoranda that were written detailing how to initiate the AGTF's oral history project, it is problematic to refer to estate camp residents as the "descendents of indentured labourers" without mentioning the thousands of time-expired and non-expired

indentured  
labourers<sup>78</sup> who moved off

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expired and non-expired  
indentured

labourers<sup>78</sup> who moved off the estates and established independent villages. The movement "A form of liberation: from the camp to the village", as Raj Virahsawmy (1984) has famously described this process, was already under way before the end of the nineteenth century, and it would appear that a majority of Indian immigrants were living in independent villages well before the turn of the twentieth century. As Benedict (1961:27) points out, "In 1861 there were 84,727 (44% of the Indian population) Indians living on estates. Ten years after the number had dropped to 61,893 (28% of the Indian population). By 1904 there were only 40,426, (approximately 15%) Indians left on estates". The reason it is problematic to refer to estate camp residents as the "descendents of indentured labourers" is because this implies that they are the only, or the most representative, descendents of indentured labourers living in Mauritius today. In this usage, the term is too finite and not flexible enough and seems to imply that it possible to accurately determine who can be regarded as a more genuine or "original" descendent of an indentured labourer. Rather than try to determine who is a true descendent of an indentured labourer, in this report I will be primarily focusing on Mauritian sugar estate workers, or in other words people working in the sugar industry after the end of indenture who are at the very least second or third generation born Mauritians.

A further consequence of this problematic assumption is that the AGTF's research assistants did not adequately query elderly sugar estate workers about Mauritian villages because of the ostensive focus on estate camp life. But that does not mean that the informants do not describe what their own living conditions were like if they did not live in an estate camp. In the process of describing what living conditions were like in estate camps, informants who have lived in villages most of their lives invariably reflect upon their own living conditions, and as such it is possible to get some sense of what life was like in Mauritius's villages in the earlier part of the twentieth century. In addition to the oral testimonies of elderly sugar estate workers, we also have the benefit of being able to draw upon the anthropologist Burton Benedict's ethnography of Mauritian villages in the 1950s. Benedict briefly describes living conditions in estate camps, but for the most part his ethnography is principally taken up with exploring village life and the ramifications of it for Indo-Mauritians

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living in an agrarian society dependent on the export of a single cash crop. Benedict's ethnographic descriptions of village life in Mauritius is an indispensable aid for understanding what the living conditions of sugar estate workers were like in the earlier part of the twentieth century, and I will be frequently returning to his work in order to buttress my descriptions of living conditions in estate camps. Then there are also the Annual Reports of the Labour Department and the various commissions of enquiry into the Mauritian sugar industry that provide us with further observations that Benedict overlooks in his ethnography.

For the average sugar estate worker living in an estate camp in the earlier part of the twentieth century, the day began like most other days, rising at 5-6am in the morning to go to work after being awoken by the "Lappel", a man charged with waking up all the workers, or even as early as 1-2am if it was the harvest season. How early they rose depended on not only how far the estate camp was from the field where they had to work, but also if the estate provided a lorry to transport them, or if they had to walk there by foot or were lucky enough to hitch a ride on a passing bullock cart. Most workers took some breakfast before they set off for work usually consisting of tea and bread, and sometimes a little left over curry, and if they had sufficient time they would offer a prayer for the hard day of work ahead. Women normally woke up somewhat earlier than men did, as they also had to prepare breakfast for their husbands and the other members of the family. After brushing their teeth with charcoal and using either their fingers or a piece of guava stick for this purpose, they would set off for work and came back after midday sometime and ate something prior to commencing their daily chores. Women and children were the ones who were primarily responsible for carrying out these household chores, which normally consisted of fetching water and washing clothes, and collecting wood for cooking and grass for any cows or livestock that they kept. Going by the oral testimonies of the informants, these chores took up most of their afternoons, as the estate camps often lacked potable water and bathing facilities, thus forcing them to walk several miles in order to collect it from a river or to bath in. This can be seen in the photographs on the opposite page depicting scenes from estate camps showing children about to set off or returning from collecting water in metal cans. And then there are also images of women washing their clothes by the side of rivers and streams on volcanic stone outcrops, an indelible image which is perhaps one of the most iconic images of Mauritian life.

The camps themselves, or "langar", as the informants describe them, which is a Creole term for barracks, were usually made of ravenal and had thatch roofs and earthen floors.<sup>79</sup> They might also be made of a combination of materials, consisting, for example, of wood, stonewalls and corrugated iron. Over the course of the twentieth century though, concrete housing and semidetached dwellings became more common in estate camps. Camp inhabitants describe "polishing" earthen floors with cow dung every week or once a fortnight, and red clay was particularly sought after with women being prepared to walk several miles in order to collect it. It is conceivable that some of the camp inhabitants would have built these structures themselves, and there is also evidence that they kept livestock in close proximity to their dwellings, much like their forefathers had done during the days of indenture. Of course, back in those days, there was no electricity to begin with, so most camp inhabitants relied on candles and kerosene lamps for lighting, and if the camp inhabitants were fortunate enough, a regular supply of water could be accessed through a public tap or well in the camp. Cooking facilities varied, with some camp inhabitants opting to cook on their verandas, or even inside their own dwellings over a pile of stones referred to as a "foyer" by the informants, sometimes resulting in fires that destroyed dwellings. While others preferred to cook in a makeshift kitchen located outside their dwellings and used either wood or sugarcane for these purposes. The informants also

state that toilets and bathing facilities were usually not attached to their dwellings and were at some distance from where they lived and were used by all of the camp's inhabitants. Some estates had schools, medical dispensaries, crèches, and transported workers to

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in their own dwellings.<sup>80</sup>

Informants also complained about crowded living conditions and the filthy state of some estate camps.<sup>81</sup> It appears that most estate camps offered very poor toilet provisions as many informants state that they were forced to go in the cane fields while others indicated that they had no choice but to build their own toilets when estates failed to provide them.<sup>82</sup> Informants also pointed out roads in estate camps were not tarred and therefore muddy and that camp inhabitants fought over having to wait in line in order to collect water from public taps.<sup>83</sup> The cramped living conditions

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that characterised estate camp life also fostered disputes between neighbours, and the best that they could do to create a sense of privacy in their barracks was to erect makeshift barriers with either a sheet of corrugated iron or a partition made out of jute bags or ravenal as the case may have been. Furnishings were usually quite sparse and consisted of little more than wooden beds to sleep on and mattresses made of grass, or people slept on jute bags and used them to cover their bodies to keep warm at night. The only other possessions that estate camp inhabitants seemed to own was the utensils that they used for cooking, and according to one official report (ARLD 1945:3), most estate camp inhabitants kept very few possessions because of the frequency of fires. Others tried to make do with the little that they had and decorated their homes with pages from newspapers that they plastered on their walls.<sup>84</sup> Some estate camps also had footballs fields and shops run by "Chinese" shopkeepers that offered credit to their clientele; as well as Baithkas, temples, chapels and Madrassas to serve the religious needs of their workers. According to one informant,<sup>85</sup> estate camp life was very pleasant, as all the facilities were free, but she also stated that others looked down upon people who lived in estate camps. She pointed out she could not find brides for her sons as they were living in a camp and did not own their own homes.

According to Benedict the standard of living in estate camps during the 1950s was generally lower than that of most villages and appealed most strongly to the poor. This is because living in estate camps offered the advantages of steady employment, free housing, and possible concessions from estates for planting vegetables and gathering fodder for livestock. He points out that most camps consisted of "rows of small barrack-like cubicles of wattle and daub" and that some camps had "recently constructed semi-detached dwellings of cement". Benedict draws attention in particular to the poor state of housing and lack of amenities, a finding that was still being echoed by ad hoc committees that were commissioned to enquire into estate camp housing conditions 30 years later.<sup>86</sup>

Except on a very few estates the housing offered is very poor. The buildings are of poor quality insufficiently ventilated and illuminated. The cubicles are small. Latrines are often very unsatisfactory, built in a row some distance away. Paths are often muddy and drainage is usually poor. Some camps have small shops, but for most of his needs the camp dweller must walk to the nearest village which may be some distance away.

Unlike villages, camps are rarely located on bus routes. Cinema and other forms of recreation, as well as schools, are not to be found in camps, but in villages and towns (Benedict 1961:54).

In addition to a number of other drawbacks such as lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet despite noting that these living conditions appealed primarily to the poor, who according to Benedict were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that “the pattern of moving from the estate camp to the village persists” and that only monthly workers were allowed to live in estate camps (1961:27, 54). As I alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movement between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>87</sup> who stated it was only poor people who did not own property that went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>88</sup>

Although the elderly sugar estate workers who were interviewed by the AGTF’s research assistants confirmed that life was very difficult in the past, or wracked by “boukou mizer” as many informants described it in Creole, that does not mean estate camp life was viewed only negatively. Actually, many of the informants looked back on estate camp life with a certain degree of fondness and described inter-ethnic relations as being harmonious and everyone living like a “family”. Holidays were often opportunities for families to get together, and depending on the occasion, a goat would be sacrificed and consumed, or a special meal of canned fish curried with tomatoes was cooked to celebrate the occasion if finances permitted. During the harvest season, rituals were also performed and offerings made to the goddess Kalimaya to ensure a good harvest, and more often than not, it was conducted with the active support and participation of estate managers and was usually led by sirdars. Masses and prayers were also organised for Christian and Muslim workers.

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The informants also describe estate managers distributing presents to children at Christmas time and receiving bonuses during harvest season. And parents telling their children stories at night in the absence of modern day forms of entertainment such as radio and television. Nonetheless, these reminiscences were tempered by the view that “Christians”, or in other words, skilled Creole artisans and their families,<sup>89</sup> lived in superior housing and sometimes looked down upon the inhabitants of estate camps. While the paucity of reflections on the family life of white managerial staff points to a certain amount of social and possibly racial distance between employers and estate camp inhabitants.

One of the reasons why Benedict suggests that living conditions in villages were superior to those in estate camps is because the quality of housing was generally better. Housing varied, but according to Benedict (1961:55), there were three basic types.

The houses are of three

#### Reference 588 - 0.02% Coverage

with wooden or concrete floors.

One informant<sup>90</sup> who was interviewed by an AGTF research assistant described the more lavish type of housing that could be found in some villages as “lakaz tol vitrinn”<sup>91</sup> and the people who owned it as living like “tourists”. Yet it would also appear there were not all that many differences between most village dwellings and the type of housing found on estate camps prior to the 1960s. As Benedict (1961:55) points out, huts made of wattle and daub were quite common, as were earthen floors laid over stone foundations, and while poor families did their cooking on verandahs, others did it in a “separate hut of sheet iron located in the yard”, and apparently housing in villages was also crowded (cf. Benedict 1961:12).<sup>92</sup> Similarly, although most village dwellings had their own yards, something that estate camp inhabitants could not claim to have, pit latrines and the bucket system were the most common methods of conservancy, and it is likely that in the absence of these, villagers would have used nearby cane fields. Benedict also states that household chores were primarily the responsibility of women and children,<sup>93</sup> and that these included doing such things as re-plastering earthen floors with red clay and cow dung, collecting water from the village fountain or nearby rivers and streams if fountains were lacking (cf. ARLD 1945:3), and walking long distances to collect wood for cooking and fodder for livestock. Rearing cows and selling milk in order to generate additional sources of income also seems to have been quite common in villages and primarily the responsibility of women, a view I frequently encountered in the oral testimonies of the elderly sugar estate workers interviewed by the AGTF’s research assistants.

The other reason why Benedict suggests living conditions in villages were superior to those in estate camps is because they were less isolated and enjoyed access to social services and recreational facilities funded and maintained by government and village councils. Some of these amenities included public fountains, medical dispensaries, government schools, agricultural services, public transport, electricity, police and fire protection, shops, cooperative credit societies for small planters, post offices, social welfare centres, football fields, cinemas, and religious organisations and edifices. But as Benedict (1961:56) points out, even in spite of these advantages, the economic fortunes of most villagers in Mauritius still principally derived from labouring in the cane fields. (In fact, most of the elderly sugar estate workers interviewed by the AGTF’s research assistants began working as “chokra” or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired.) This had two important ramifications. Firstly, it meant that during the inter-crop season when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow’s milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting budes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one’s own yard.<sup>94</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.<sup>95</sup>

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The susceptibility of labourers to the seasonal cycles of the sugar estates had another important ramification. It made them reliant on credit to tide them over during the inter-crop season (Benedict 1958; cf. Balogh 1963:60). Some of the most pertinent examples of these credit relations include Sino-Mauritian shopkeepers extending credit to their clientele and the loans that sirdars and job-contractors made to labourers to bind them more effectively to them. Benedict states he found no evidence of job-contractors charging high interest rates on these loans. But he (Benedict 1958:217) also points out that “A man who

accepts a loan from a job contractor would feel obliged to work for him." He adds that job-contractors recovered their money by making deductions from the wages of labourers during the crop season, and if the oral testimony of the elderly sugar estate workers quoted earlier is anything to go by, this may have offered another opportunity to make further deductions from the wages of labourers at usurious rates. According to Benedict (1958:217), sirdars employed on estates had "much the same relations of borrowing and lending" with monthly workers, and that this arrangement ensured sirdars had an interest in employing labourers who they loaned money to. Thus notwithstanding the fact that some villagers had better housing and enjoyed access to government-funded social services and recreational facilities, what the foregoing discussion underlines is that the life of a sugar estate worker living in a village prior to the 1960s would not have been drastically different to that of an estate camp inhabitant. They may have had a wider range of economic options, but the casual worker was just as susceptible to the seasonal fluctuations of the sugar estates as the monthly worker was, and recourse to alternative economic avenues to make ends meet, such as *métayage* and share-cropping for instance, or relying on credit from shopkeepers and job-contractors and sirdars, seemed to have been the lot of most Mauritian sugar estate workers in those days.

Evidence of similarities in the living standards of casual and monthly workers can also be gleaned by reflecting on the diet and health of sugar estate workers in the earlier part of the twentieth century. Benedict (1961:11) states that after the Second World War, there had been an improvement in "living standards, including a better standard of nutrition and health". The principal measures Benedict relied on to make this assertion were increased fertility and a sharp reduction in mortality rates, in addition to the gradual eradication of malaria and development and welfare programmes financed by gains from the post-war boom in sugar production. However, there may be grounds for disagreeing with some of Benedict's prognoses. To begin with, it is not entirely clear that sugar estate workers benefited themselves from the post-war boom in sugar production, because as the Balogh Commission (1963:30-31, 53) stressed, real wages rose very little between 1939-1957 and was one of the main complaints aired by sugar estate workers who testified before the commissioners. What is more, the Balogh Commission (1963:61, 128-130) raises doubts as to whether funds allocated to help sugar estate workers build homes with interest free loans by the Sugar Industry Labour Welfare Fund reached its designated target.<sup>96</sup> In addition to this, the Annual Reports of the Labour Department, and the various commissions of enquiry convened to investigate the Mauritian sugar industry since the end of indenture, provide reflections on the living standards of sugar estate workers in the earlier part of the twentieth century, and cast doubts on some of Benedict's prognoses. Drawing upon Major Orde Browne's earlier enquiry into labour conditions in Mauritius, the Moody Commission (1943:32) concluded that: "The picture is ... that of a poorly paid, undernourished, sickly population, capable of only such limited output of work that an increase of wages offers little promise of improved performance." Only two years later, the Director of Labour was issuing further warnings about the sickly state of Mauritian sugar estate workers in the 1945 Annual Report of the Labour Department.

When a group of labourers

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it (ARLD 1945:8-9).

It is in Major Orde Browne's 1943 report on labour conditions in Mauritius that the subject of the malnutrition of the sugar industry's workforce begins to receive more sustained attention. According to Major Orde Browne, the diet of Mauritian sugar estate workers was noticeably deficient in protein and showed a marked dependence on rice and carbohydrates. Major Orde Browne's observations are not only corroborated by the Annual Reports of the Labour Department, but are also reflected in the oral testimonies of the elderly sugar estate workers interviewed by the AGTF's research assistants, and in Benedict's own description of the diet of casual workers living in



Reference 591 - 0.02% Coverage

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villages. As part of their attempt to determine the cost of living for labourers working in the sugar industry, which the Minimum Wage Advisory Board used to assess claims put before them for wage increases in industrial arbitration disputes, the Labour Department had begun to gather detailed estimates of the budget of labourers. A notable feature that comes out of their estimates of the budget of the average labourer working in the sugar industry is the small proportion of their wages they spent on protein. Apart from fish, goat's meat was the principal form of animal protein consumed by the average sugar estate worker. The elderly sugar estate workers interviewed by the AGTF's research assistants also testify to the lack of protein in their diet. In their oral testimonies, the informants state they mostly ate rice and various types of vegetables, and could only afford to eat meat on special occasions. As I pointed before, this normally consisted of purchasing canned fish which they curried with tomato when relatives visited, or sacrificing a goat for New Year's Eve. Benedict's description of the diet of sugar estate workers living in villages lends further support to this finding. He reiterates that goat's meat was only consumed on special occasions and for lunch the average sugar estate worker or a person of less means usually ate rice with potato curry and some leafy green vegetables (1961:15, 78, 81).

The poor health of the average sugar estate worker in Mauritius led Major Orde Browne to speculate on the presumed inefficiency of the industry's workforce. Major Orde Browne (1943:6164) drew attention to the limited hours of work that sugar estate workers completed in comparison to the descendants of Indian immigrants working in the plantation sectors of other British colonies. Yet although Major Orde Browne had some intimation as to how prevalent ankylostomiasis was amongst the Mauritian sugar industry's workforce, he not only seems to have underestimated how debilitating the disease was in assessing the inefficiency of Mauritian sugar estate workers, but he also appears to have been ignorant of the efforts already made to combat this parasitic form of disease as a result of previous enquiries, and suggested the most effective solution lay in educating the population about improved sanitary habits. I myself only became aware of the true extent of this epidemic after reading Andrew Balfour's 1921 report on medical and sanitation matters in Mauritius. Balfour was commissioned by the British colonial authorities to conduct an enquiry into Port Louis's deteriorating sanitary conditions and to find a way to combat the malaria epidemic crippling the health of the colony's population. In the course of his enquiries, Balfour read a report written only one year earlier by a medical expert working for the International Health Board, a philanthropic organisation funded by the Rockefeller Foundation, named J. F. Kendrick. Kendrick discovered that more than two-thirds

Reference 592 - 0.01% Coverage

to do so by Balfour.

While there was little doubt amongst the colonial authorities in Mauritius as to how debilitating malaria was, as it led to a noticeable increase in mortality rates, one of the reasons that hookworm disease seems to have escaped their attention is because its symptoms were not as readily discernible as malaria's. The number of deaths attributed to ankylostomiasis in Mauritius in the year 1920 was only 16, but Balfour (1921:15) questions the accuracy of these figures in his report, and suggests it was probably responsible for raising the island's death rate, due in part to the fact that it weakens "resistance to disease".<sup>97</sup> Yet although hookworm disease may not lead to as many observable deaths as malaria, its affects have been shown to

be just as lethal, as it not only leads to a higher incidence of foetal mortality rates, but has also been implicated in stunting growth and impairing cognitive development, as well as increasing susceptibility to other diseases. According to Kendrick's report, one of the primary causes of the spread of hookworm disease was poor sanitary conditions, and in particular the inadequate provision of latrine systems, indeed the very type of conditions that were noticeably deficient in estate camps and rural areas (cited in Balfour 1921:18).<sup>98</sup> But in his report, Balfour also drew attention to the affect that the use of human manure as a fertilizer in the sugar industry, or the Engrais system as it was referred to in French, had in broadcasting the disease amongst the Mauritian population.<sup>99</sup> Balfour made it quite clear in his report that the Mauritian sugar industry could no longer continue to use human manure in the cultivation of its cane fields. He even went so far as to say that those who continued to ignore the health of the population out of pecuniary considerations would not only be morally culpable, but should also be held legally accountable (Balfour 1921:81-89). It seems the sugar industry took

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#### Reference 593 - 0.01% Coverage

account of the industry.<sup>100</sup>

But when it came to improving sanitary conditions and introducing a more effective latrine system, which was one of the principal recommendations to come out of Kendrick's report on hookworm disease in Mauritius, there is evidence many sugar estates were negligent in complying with their legal obligations as first stipulated in the 1878 Labour Ordinance and reiterated in subsequent labour ordinances promulgated after the end of indenture. Although the 1937 Hooper Commission insisted that housing and sanitary conditions in estates camps were satisfactory, the 1943 Moody Commission was much more condemnatory. Based on their inspections of estate camps in the north of the island, which is where the 1943 strikes led by monthly workers first flared up, the commissioners stated that "much remains to be done to improve housing, health and sanitation, and the general amenities of living" (Moody 1943:58). The commissioners were particularly critical of the state of latrines in estate camps, and suggested that it encouraged labourers and their families to "adjourn to the neighbouring bush or field, apparently quite unconscious of the fact that their action constitutes a grave danger to the general health in the spread of ankylostomiasis and other diseases". Labourers who testified before the commissioners also complained of lack of access to potable water in estate camps and having to walk long distances to obtain water for drinking and domestic uses. One can detect a similar degree of inconsistency in the Annual Reports of the Labour Department, which in 1938 for instance concluded "that the conditions of camps where labourers reside, was on the whole satisfactory" (ARLD 1938:14). Then in its 1943 and 1944 annual reports was proclaiming that "housing conditions on estate camps are still poor" and of the need to improve sanitary conditions (ARLD 1943:5; ARLD 1944:4). The newly appointed Director of Labour, Mr. R.C. Wilkinson, who assumed his duties in 1944, claimed that even if provided with suitable sanitary conveniences, labourers would prefer to use "neighbouring cane fields" (ARLD 1944:4).

But as Mr. James Stirling

#### Reference 594 - 0.02% Coverage

as Labour Commissioner in 1951,

pointed out in the ARLD of 1954, after estates built more detached concrete dwellings for families with kitchens, bathrooms and toilets, labourers took a keen interest in their proper maintenance and were making effective use of the bathrooms and camp latrines (ARLD 1954:11). And as I alluded to earlier,

Benedict also drew attention to the poor condition of latrines in estate camps in his ethnography, the fieldwork for which it is important to bear in mind was conducted at the end of the 1950s, showing that not much had improved in that time.<sup>101</sup>

The key point to underline here is that so long as sugar estates continued to neglect their responsibilities and failed to provide sanitary conditions in estate camps it is inevitable this would have encouraged labourers to use cane fields and contributed to the spread of hookworm disease amongst the Mauritian population. Hookworms are dependent on human hosts to reproduce which they do by passing from the intestine as eggs before being deposited in faecal matter where they grow into larvae and wait for their next hosts to mature into adults. Failing to provide hygienic or suitable latrines and in effect ensuring that labourers had little choice but to use cane field provides ideal conditions for hookworm parasites to thrive, as it is through soil contamination that the disease is spread. Of course, one cannot lay the blame squarely on the shoulders of the sugar estates, as there is every reason to believe that villagers who lived within the vicinity of an estate would have used the cane fields if they did not have a system of conservancy in place in their own homes (cf. ARLD 1945:3). And things would not have been helped by the fact that most Mauritians went around barefooted for a greater part of the twentieth century, as hookworms find their way into the intestinal tracts of human hosts by penetrating either feet or hands before moving up through the body. In addition to this, the fact that many Mauritians had earthen floors in their homes would have provided ideal conditions for the larvae of the hookworm parasite to reproduce, as studies have shown that the disease is more prevalent in rural areas because housing in urban areas is more likely to have wooden or concrete floors (Desowitz et al. 1961; Hotez 2008).<sup>102</sup> Yet the fact remains that most sugar estates would have been aware of the relationship between poor sanitation and the spread of hookworm disease as the colonial government made every effort to implement the recommendations of the International Health Board and launched a comprehensive education campaign to combat the disease. Therefore to flout these responsibilities, and which the Annual Reports of the Labour Department indicates was continuing up until at least 1953-1954, which is the last time the department's labour inspectors made a concerted effort of registering breaches of health regulations in estate camps,<sup>103</sup> constitutes a reckless act that exemplifies a lack of respect for the health and well-being of others.

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#### Reference 595 - 0.01% Coverage

#### AND SOCIAL CONDITIONS OF DESCENDANTS

The irony is that those sugar estates who neglected to abide by their legal responsibilities and to improve sanitary conditions in estate camps not only endangered the health of their workforce but also handicapped their own economic prosperity. As Major Orde Browne alludes to in his report, the combined effects of hookworm disease and malnutrition, and anaemia, the primary symptom of ankylostomiasis infection, which leads to depletion of iron levels as a result of internal bleeding, all conspired to lower the efficiency of the Mauritian sugar industry's workforce. A similar point has been made in a study investigating the debilitating effects of hookworm disease on Indian immigrants working on colonial plantations in Sri Lanka (Hewa 1994). The author suggests that the ineptitude of the colonial government and the derogation of responsibilities on the part of planters impeded attempts by the International Health Board to combat the disease. Hewa is particularly critical of the role of the colonial planters who she argues wantonly disregarded their legal obligation to introduce a more effective latrine system and to improve sanitary conditions in estate camps. As Hewa (1994:86-87) points out, the principal reason why planters sought to avoid their obligations, even though it would have lead to a vast improvement in the health and well-being of their workforce, and presumably their long-term profits, is because of the short-term financial outlay it would have required. She also suggests that the colonial government was complicit in these abuses because of the laissez-faire policy

that they pursued in Ceylon. One cannot say the same thing, however, about the colonial government in Mauritius.

It is not possible to

#### Reference 596 - 0.01% Coverage

of hookworm disease in Mauritius.

The important question that remains is what set of factors and at roughly what point in time did these changes conspire to diminish the severity of hookworm disease in Mauritius. I have already alluded to what some of those factors may be. They include not only general improvements in healthcare but also the increasing use of footwear by the wider Mauritian population and of course the construction of more wooden and concrete homes. Looking around Mauritius today, one struggles to find any evidence of thatch and straw huts with earthen floors, and the elderly sugar estate workers who were interviewed by the AGTF's research assistants, all point to Cyclone Carol in 1960 as being a key turning point in terms of the shift from non-concrete to concrete housing. What we can be certain of, however, is that these changes and the marked improvement in the living standards of the Mauritian population over the course of the twentieth century have not been brought about as a result of working in the sugar industry alone. Much remains to be done in order to properly understand patterns of urban settlement and development in Mauritius, but perhaps one of the most outstanding achievements its citizens can claim is their ability to persevere and lift themselves up by their own bootstraps. This is ably documented in Benedict's ethnography, which describes how resourceful villagers and estate camp inhabitants were in terms of their ability to transform agricultural and natural products into sources of income. And of course, one must not forget the high rates of home ownership in Mauritius and in particular how widespread concrete housing is for a developing island nation. Even though many of the elderly sugar estate workers

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#### Reference 597 - 0.02% Coverage

and their families.

#### CONCLUDING REMARKS

As stated from the outset of this study, the most comprehensive accounts that we have of the lives of Mauritian sugar estate workers in the post-indenture period comes to us from Daniel NorthCoombes and Burton Benedict. It is instructive to compare their respective accounts of the lives of sugar estate workers after the termination of the indenture labour system in Mauritius, as each of them had different objectives and foci due in part to their methodological biases. For instance, where North-Coombes was more concerned with class-conflict and the various forms of exploitation that existed in the Mauritian sugar industry, Benedict evinced an approach that sought to pay greater attention to the living conditions of ordinary Mauritians, even if this meant that he tended to overlook signs of class-conflict and tension in Mauritian society. In the final analysis, both approaches are of equal value in any attempt to reconstruct the history of Mauritian society, but what this study has shown is that it is just as important to consult the opinions of those affected by these events. The voices of elderly sugar estate workers has shown to us there were important matters that have been overlooked by both North-Coombes and Benedict, and which places the recent past into sharper relief. I am thinking in particular of the fact that estate managerial staff and sirdars and job-contractors conspired to abuse the rights of labourers by continuing to mark them as absent, or "marron", and deducting their wages for failing to complete unreasonable estimations of set tasks. One

would have thought that these abuses would have discontinued after the end of indenture, but quite clearly, that was not the case.

Upon further inspection, however, Benedict's observations turn out to be extremely prescient insofar as he seems to have anticipated that tensions between sugar estate workers and planters would eventually come to a head. As early as 1961, Benedict was warning that if "Indians" and "Franco-Mauritians" failed to come to terms with the legacy of the indentured labour period, that this would have negative repercussions for social relations between the two groups in the future. Yet as instructive as these observations may have turned out to be, Benedict failed to make an extremely important distinction. It is one thing to narrow the source of the conflict down to ethnicity, but what Benedict ignored was the class relationship underpinning this tension. Benedict was writing at a time when studies of "plural societies" were very much in vogue and came out of an older anthropological tradition that stressed order and stasis, rather than conflict and change. This is reflected in the fact that Benedict (1961:23) reduced the source of these societal tensions to the indentured labour period, and ignored more recent commissions of enquiry convened to investigate the Mauritian sugar industry. As the Moody Commission (1943:162-168) pointed out in its recommendations, a climate of suspicion and distrust tended to characterise relations between the industry and its workforce, and the Commissioners were insistent that the most pressing problem facing the industry was the "human factor". A point both the 1963 Balogh and 1983 Manrakhan Commissions<sup>105</sup> would return to in their later reports.

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#### Reference 598 - 0.02% Coverage

#### SOCIAL CONDITIONS OF DESCENDANTS RECOMMENDATIONS

It is thus essential to cease to conflate the conduct of the managerial staff and personnel who have played a key role in running sugar estates in Mauritius with the presumed ethnicity of the stakeholders in that industry. This not only risks exacerbating racial and ethnic tensions, but it also does a disservice to those people who it is presumed share the same ethnicity and hence interests, as those who manage the affairs of the Mauritian sugar industry. By the same token, it would be equally advisable to cease conflating the identity of sugar estate workers with their presumed ethnicity or ancestry, as this not only ends up downplaying the uniqueness of their experiences and the heterogeneity of this workforce, but it also risks inciting the ire of other Mauritians who believe they share a similar cultural background. In the final analysis, it is personnel in the sugar industry, and not "Franco-Mauritians" per se, who are responsible for having perpetrated the abuses that sugar estate workers have had to endure since the end of indenture. Perhaps during the period of slavery, one could more easily have described the society existing at the time in Mauritius as consisting of two relatively homogenous groups, that is, slaves and planters. But since then, Mauritian society has become highly diversified, no more so than in the last one hundred years, and consequently it is important to distinguish who is responsible for committing acts that might be considered unjust or morally reprehensible.

From the claims that have been presented in this report, at the very least, one would think that certain aspects of the Mauritian sugar industry need more effective regulation and to ensure these abuses are not still being committed. In particular, the job contracting system, which according to all reports is alive and well in Mauritius, is seemingly responsible for continuing abuses with the apparent complicity of the sugar industry. This was pointed out by Mr. Revanand Ramjuttun, the secretary of the Sugar Industry Labourer's Union and it was disconcerting to learn from an elderly female sugar estate worker who I personally interviewed in 2010, that after taking up a VRS offer, she re-employed as a casual worker and complained of being denied most of the basic rights she formally enjoyed as a full-time worker. Another issue to consider is whether those sugar estates that failed to comply with sanitary regulations should be held

accountable for the spread of hookworm disease in retrospect, as an amendment to the 1931 Workmen's Compensation Ordinance made it possible to claim compensation from industries responsible for the spread of diseases amongst their workforce. There are also the allegations of the Balogh Commission which raised concerns about the manner in which funds were handled by the Sugar Industry Labour Welfare Fund. This issue never seemed to have been adequately resolved.

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#### Reference 599 - 0.01% Coverage

##### SOCIAL CONDITIONS OF DESCENDANTS ACKNOWLEDGMENTS

There are many people I have to thank for helping me to research this report. Firstly, I would like to thank my research assistants at the Truth and Justice Commission who helped to summarize the many interviews of elderly sugar estate workers. They include Riteshwaree Chacoory, Alvina Gopaulen, Smita Gya, Ramchurn Seetul, Karimullah Yasiin, Sooben Pamela, and Trivita Devi Mathoora. Without their assistance, it would have been extremely difficult to make sense of the vast amount of data contained in these interviews. The discussions I had with the research assistants who originally collected the interviews, Stephan Karghoo and Christelle Miao Foh, as well as Vickram Mugon, were also extremely helpful and helped me to see another side to the interviews and some of the complexities of Mauritian society. Vijaya Teelock's assistance was also indispensable, as throughout she has provided me with helpful guidance and ensured that all the resources I required to carry out my work were available to me. And indeed without Vijaya's foresight, the oral testimonies of the elderly sugar estate workers discussed here would never have been collected in the first place. Similarly, I would like to thank Satyendra Peerthum for helping me to track down the information I needed for writing this report, and the extent of his knowledge of Mauritian history, which proved very helpful in terms of putting things into perspective. Corinne Forest has also been extremely helpful, and has always shown a keen interest and preparedness to offer a listening ear and to discuss the issues I was researching. I would also like to thank Mr. Revanand Ramjuttun, the secretary of the Sugar Industry Labourer's Union, and the Permanent Assistant Secretary of the Ministry of Labour, Industrials Relations and Employment, Mr. Seebaluck, who allowed me to make copies of the department's annual reports. Lastly, I must thank the staff at the National Library and National Archives in Mauritius who helped me to track down many of the documents I required for my research.

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#### Reference 601 - 0.01% Coverage

abolition of slavery in 1835.

Following the emancipation of the slaves in 1834/1835, the Royal Commissioners (1909), reported that the freed slaves were unwilling to work for their former masters who, thus, had recourse to Indian indentured immigrants as source of labour. Allen (1999, p.16) affirms that facing scarcity of agricultural labour estate

owners with the support of the colonial governments of Mauritius had Indian opted for Indian immigrations as alternative source of cheap labour.  
He published that approximately 9

#### Reference 602 - 0.01% Coverage

following historical events encouraged the institutionalisation of the indenture system as 'new labour regime'.<sup>106</sup> Firstly, labour scarcity resulting from high mortality rates amongst the slave population before the abolition of slavery. Secondly, the labour crisis following the withdrawal of the ex-apprentices from the estates after the abolition of slavery and, thirdly, the expansion of sugar production as the economic mainstay of the colonial economy.  
Mass unemployment in the labourers'

#### Reference 603 - 0.01% Coverage

others migrating to other countries.  
The importation of Indian indentured labourers slowed down as from 1906. In 1909, the Royal Commissioners (1909, pp. 15-16) reckoned that one third of the estate labourers were Indian immigrants that were introduced under the indentured system and the remaining two thirds were Indo-Mauritians referring to natives of Hindu faith.  
The forced and voluntary diasporic

#### Reference 604 - 0.01% Coverage

cultural, religious and political landscapes.  
This report describes the living and working conditions of the sugar estate labourers in 21st century Mauritius. It is part of a research project entitled 'Oral History of Descendants of Indentured Labourers', whose objective is: to uncover the life experiences of the descendants of indentured labourers that were, or are still, living and working on sugar estates.  
This project aims at addressing

#### Reference 605 - 0.01% Coverage

is divided into two parts:  
The first part is on the working conditions of the estate workers and the following themes are developed: (i) occupation patterns; (ii) gender discriminations amongst the work force; (iii) work duties and promotional prospects (iv) Child Labour; (v) wages and other work benefits, and (vi) wage cuts and discriminatory practices.  
The second part is on the living conditions of the estate workers, and especially the estate camp residents. The following themes are examined: (i) subsistence; (ii) housing conditions and constructions; (iii) academic education and mobility; (iv) Community life and inter-ethnic relationships; (v) family life, roles and duties including child development; (vi) Dressing and (vii) Displacement.  
Methodology  
This report is based

#### Reference 606 - 0.01% Coverage

Dressing and (vii) Displacement.

##### Methodology

This report is based essentially on the interpretation and analysis of oral interviews conducted by the Research Assistants of the Aapravasi Ghat Trust Fund in the period 2008-2009. The life of the former estate workers is retraced through the analysis of 18 transcripts of the interviews.

Unfortunately, the transcripts provided limited data on the working and living conditions of the estate workers because the interviewers focused on the cultural and religious practices, and they did not probe important issues that came out of the interviews, such as infant mortality, genderbased violence against women, alcoholism and the father abandonment of matrimonial roof.

In some instances, interviewers asked

#### Reference 607 - 0.01% Coverage

by a translation into English.

Regional and individual variations were identified in the living and working conditions of the former estate workers and in the sugar estate practices. Besides, because of chronological discrepancies and memory flaws, the respondents got confused about certain political and economic events which they associated the Trade Unionist Movement to Sir Seewoosagur Ramgoolam.

Much caution was taken to

#### Reference 608 - 0.01% Coverage

transcripts.

##### Limitations of the report

As stated earlier, the above-mentioned oral history project aims at investigating the consequences of indentureship on the descendants of the Indian indentured labourers. It should be highlighted that this analysis is not representative of the life-experiences of the descendants of the Indian immigrants that migrated to Mauritius under the indenture system, in that the sample of respondents was limited to former sugar estate workers who are assumed to be of Indian indentured descent. The white-collar and other blue-collar employees were not interviewed.

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#### Reference 609 - 0.01% Coverage

minority came as indentured labourers.

The people interviewed are assumed to be of Indian indentured descent based on their names that are of Indian origin, their religious background and their occupational categories (they are agricultural and estate workers). However, even if the majority of Mauritians categorised as IndoMauritians might be of indentured descent, some of them might be descendants of Indian immigrants who arrived on Mauritian shores as free passengers and as free traders.

In addition, during post-Independence



#### Reference 610 - 0.01% Coverage

might have come from abroad.

Moreover, most interviewees have never heard of the terms coolie, travayer engaze (Eng. trans. Indentured labourers) and other related terms. In fact, only Goinsamy stated that he had heard the term coolie. His father, grandmother and people living the neighbourhood told him that is grandfather was a coolie who worked as watchman on the estate.

For most of them, they

#### Reference 611 - 0.01% Coverage

because of my lack

of

competence in these languages. This sample represents 4.25% of the voices of the former estate workers.

Taking the respondents' names as

#### Reference 612 - 0.01% Coverage

Mauritian and her Mother IndoMauritian).

Consequently, this document is not an in-depth analysis of the working and living conditions of the former estate workers, and the data presented should be considered as indicative of the lifeexperiences of the respondents.

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#### Reference 613 - 0.01% Coverage

##### 2.WORKING CONDITIONS Occupational Patterns

Family histories revealed a generational transmission of occupations with the respondents and their elders (parents and grandparents) performing almost similar jobs. For generations, they were estate agricultural workers employed as labourer and/or Sirdar (Eng. trans. Overseer).

Furthermore, across generations some respondents have been working for the same estate, since estate workers were recruited amongst families already working for them.

For example, Goinsamy and his sisters worked as field labourer, on St. Pierre estate as his father and his grandmother on his father's side. Tyaciitee was working as plumber on Fuel Estate and now his daughter does as well.

...Eh ou bane paren ki

#### Reference 614 - 0.01% Coverage

Madhumati she went to Australia...)

Differences in occupational patterns were identified with the respondents' children and grandchildren working as office workers or public servants and doing white-collar and blue-collar jobs. Most interviewees stated that their children were not agricultural labourers and do not work on estates.

For example, the children of

#### Reference 615 - 0.01% Coverage

##### CONDITIONS OF DESCENDANTS Child Labour

Under colonial rules and in the post-Independence period, child labour was sanctioned and institutionalised. Chokras (Eng. trans. Child labourers) and women were a source of cheap labour for the estates.

Furthermore, child labour was a

#### Reference 616 - 0.01% Coverage

land where is currently living.

In the hierarchy of Management, the Sirdar and the field labourers were at the bottom the pyramid. The kolom (Eng. trans. Field supervisor) also named, by some informants, as the Ti-Sef (Eng. trans. Small Chief) was the middle manager. The estate manager, referred to as the Gran-Sef (Eng. trans. Great Chief) was at the top of the pyramid.

Sirdar

Both men and women

#### Reference 617 - 0.01% Coverage

early age to start work.

The main duty of the Sirdars was to supervise the field labourers and to take attendance. Other work obligations varied from one estate to the other; for example as on some estates, they did supervision work and on others, they did manual work as well.

For instance, when Bawol arrived

#### Reference 618 - 0.01% Coverage

group of approximately 25 labourers.

When Mardemootoo worked as Sirdar on Rose-Belle Estate, he had to control the pay-slips of the labourers every Thursday and on Fridays; the management (he might refer to the Kolom and Marker (Eng. trans. Payroll office)) came to his office. When the labourers received their payment, they signed to attest that their pay was accurate and he sent them to the Accounting Department.

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#### Reference 619 - 0.01% Coverage

sometimes, even hit the workers.

Bhudyeya testified how when the Gran-Sef blamed the Ti-Sef, the latter reprimanded the Sirdar who, subsequently, scolded the labourers and at times took his revenge on the labourers for having been blamed. The Gran-Sef and the Ti-Sef were 'White' men and Dananan affirmed that the Estate Manager was in contact neither with the Sirdar, nor with the labourers.

The sugar estate was structured. As per the estate power structure and line of command (top-down line of command), the Estate Manager gave instructions to Kolom who passed on the orders to the Sirdar.

Even if the Labour Ordinance

#### Reference 620 - 0.01% Coverage

the Sirdar earned.

Field Labourers

The conditions of the labourers working for job contractors, and of others who worked for the estate, differed. It seems that those working for the job contracts experienced more discrimination (see Couacaud report).

The labourers' working day started

#### Reference 621 - 0.01% Coverage

hrs 30, we back home)

In the past there was no alarm clock, some respondents like Mardemootoo attested that Picture 1 Line of Command on an estate

Higher Management

Middle Management

Lower

#### Reference 622 - 0.01% Coverage

there and the sections managers)

However, it seems that the working hours varied from one estate to the other, and from one period to the other. For in the 1920s, Goinsamy's started work at seven in the morning and finished work at one in the afternoon. In the 1940s, Narrayane worked from seven in the morning until three in the afternoon.

While some respondents walked to

#### Reference 623 - 0.01% Coverage

make use of protective equipment.

Before the amendments to the Act and to the Sugar Industry Relations Act 1983, it seems estates did not provide protective clothing (gloves, boots, mask and coats) to the field labourers who went to work with their linz lakaz (Eng. trans. House clothes) and bare-foot. Some, like Indrawatee, sewed their own protections such as long sleeved blouses to protect their arms and trousers to protect their legs. Because it was slippery, they did not wear slippers, as they could hurt themselves and lose their slippers.

Based on Bawol's testimony, following the Trade Unionist's lobby, they were provided with protective clothing, but the estate deducted the purchase of these equipments from the labourers' salary, and hence they were paid less.

...En oui, tabismen ti pe

#### Reference 624 - 0.01% Coverage

bot ek linz ein...113

(Eng. Trans: Yes the estate provided uniforms. Before they did not provide, when the trade union was set, the union discussed. After discussion they passed a law, the union passed a regulation that they should provide clothing, shoes and boots and gloves. Then they reduced our salary, they deduct from our salary. We did not think they reduced our salary, with this [Money] they gave us books and clothings)

Hence, they often injured themselves; for example, they got rashes in their hands and legs, were bitten by insects like mouss zaun (Eng. trans. Yellow fly) and got other skin irritations and bruises. They had no health insurance, and when injured or ill, they relied on herbal medicine or went to the estate hospital/medical dispensary that delivered free basic health services.

None of the respondents complained about the estate medical dispensary was poorly equipped. This can be explained by the fact that the estate workers attended the estate medical dispensary for small injuries and for serious injuries and illnesses they went to the nearest civil hospital.

Regarding tools, while some estate provided the labourers with tools such as billhook, hoe, and scrape, others like Dananan used their personal equipments that they purchased.

During the 'bad old days'<sup>114</sup>, the rights of the estate workers were not recognized, neither respected nor protected, until the Labour Movement in the 1930s such as the Society for the Welfare of Mauritian Workers and later the Trade Unionist Movement, fought for better wages and work conditions. Their fight, subsequently became the main thrust of the Labour Party and the Mouvement Militant Mauricien's political campaigns.

The 'bad old days' and the harsh and oppressive working conditions on the sugar estates led to the small planters' riots of 1937 and 1945 and to the strike of 1938. The labourers claimed better wages and better working conditions. Although she was young, when these events happened, Neelvadee testified how her mother used to narrate her stories about the strike on Belle Vue Harel.

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#### Reference 625 - 0.01% Coverage

shot dead in St. André.

Later, various international declarations and law-abiding agreements obliged the Local Government to regulate the working conditions of the employees, including agricultural and non-agricultural workers. However, it should be noted that the sugar estate casual workers are presently still facing the same discriminatory practices, as a backlash of the current social and economic crisis.

The Lalit Movement in 2009 published that Rose-Belle Sugar Estate, a State-run sugar estate, was employing labourers on a casual basis and the latter, unlike the other employees, received gloves and nets only and were not given raincoats, boots and tools. Moreover, the estate sent an overseer to supervise gangs of casual labourers. These casual labourers were formerly employed labourers who for the last 10-15 years took their Voluntary Retirement Scheme lump sum and a plot of land. Now, the estate labourers received a daily wage of 171 rupees only and did not receive either a sick leave or a local leave nor pension, nor any other job security<sup>115</sup>

Regarding wages, some respondents were

#### Reference 626 - 0.01% Coverage

directly in his bank account.

Apparently, modes/ways of payment varied from one estate to the other. On some estates, the Kolom gave the salaries to the Sirdar who paid the labourers. On other estates, the labourers collected their salaries in the Kolom office.

Bhudyea declared that the Sirdar

#### Reference 627 - 0.01% Coverage

of the labourers for payment.

The testimonies on wages paid varied, but these discrepancies arose from different working periods. Furthermore, when comparing the estate remunerations practices, slight differences were identified in the remuneration of labourers. Nevertheless, overall, wages remained low as illustrated in the examples below. Minimal wages kept the estate workers in poverty and had various collateral consequences. Low wages fostered child labour, forced women to work and promoted small-scale farming.

The Royal Commission Report (1909) confirmed that agricultural estate labour was on the whole cheap labour, with wages ranging from one to three rupees a month for boys and eight to nine rupees for men.

In 1962, when Satianand worked for FUEL Estate, he earned 15 rupees per full working-day and was paid 39.90 rupees per full working week as Sirdar. He stated that a labourer earned approximately 4.10 rupees per full working day. During his trial period, he was paid in kind with 13 pieces of bananas. When he started working in 1949, women were paid 2.75 rupees per full working day and later they were paid 3.15 to 3.30 rupees per full working day.

When Goinsamy started working at 7 years of age as tobacco labourer for Vergé Estate, he earned 20 cents per working day. When his grandfather was promoted to Sirdar, he increased his salary to 25 cents per working day. When his work duties changed, he was paid 50 to 75 cents. On Beau Vallon Estate, he earned 1.50 cents per day's work for weeding. In 1965/1966, he started working for Constance Estate as labourer and earned 5.25 rupees per working day. When he worked as sugarcane cutter, he was paid 3.68 cents for 1 ton of sugarcane and 5.25 rupees for 1 to 6 tons of sugarcane. If he completed 55% and 80% of his work task in one day, he was paid 4 days' work and 6 days' work respectively.

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#### Reference 628 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

Mardemootoo worked in the sugar mill for 50 cents per day's work and later for 60 cents per working day. Afterwards, he worked as field labourer for 1.50 rupees per week. Each year, his salary increased with the rise in the cost of living and his workload also increased. His last salary amounted to two rupees per week. In 1951, he enrolled in the Army and came back in 1954 and took employment on Rose Belle Estate.

It seems that on some estates, for the cane-cutting season the labourers were paid more, which encouraged them to work harder. For example, Pentiah's wife earned three rupees and her husband five rupees per days work. Later, she earned five rupees and her husband 10 rupees per working day. During the cutting season, if they cut two tons, or 2½ tons, or three tons of sugarcane they earned additional money.

## Wage Cuts and other discriminatory

### Reference 629 - 0.01% Coverage

he cut off? One day)

Pentiah's wife testified that one day, her father came back home disappointed and without his salary. He told her mum that the 'White' (referring to the field supervisor) came and he was not satisfied with the quality of the work. He told the labourers to redo the work on Monday and then they will be paid. When the Labour Party came to power, they ordered the Estate Managers that every day, they should check the labourers' work and ask them to redo the work the same day because the latter were 'poor' and needed the money to feed their family. As from then her mother started making savings to buy food and clothing that did not have before.

Another customary practice of ordering

### Reference 630 - 0.01% Coverage

spent half their time walking.

The labourers were not paid for when they were marked as days absent. Hence, when they were ill or after giving birth, they did not perceive a salary. However, in instances of maternity, Bawol declared that the estate provided them milk for approximately three months.

Because of these harsh discriminatory

### Reference 631 - 0.01% Coverage

or three plots of land.

Many of the estate workers interviewed lived a semi self-sufficient lifestyle. They practised smallscale farming as a means of subsistence and as a source of additional income as well. They cultivated vegetables and fruit, mostly, cassava, potatoes, sweet potatoes, pommes d'amour (Eng. trans. tomatoes), banana and chou chou (Eng. trans. chayote or christophene). They reared livestock, mostly cows for milk and chickens, for their personal consumption, and they sold the surplus.

...Li ti plante avec li

### Reference 632 - 0.01% Coverage

#### AND SOCIAL CONDITIONS OF DESCENDANTS

According to the Royal Commission Report (1909, p. 11), small planters consisted of Indians cultivating from half an acre to 100 acres of land. The morcellement movement had been going for a considerable number of years (since the 1840s). Most Indian immigrants and Indo-Mauritians bought their land under a system of payment in five annual instalments and often, they agreed to pay high prices of the land. It was considerable financial burden until the purchase money was paid off, which might take more than five years. The closing of small sugar mills allowed the estate owners to divide portions of their land among Indian small planters who constituted an important section of the community.

The report went further, expounding

#### Reference 633 - 0.01% Coverage

relied on these small planters.

This semi self-sufficient lifestyle allowed people to survive harsh living conditions in estate camps, and especially during the Second World War, when food was further rationed and especially rice. As staple food, potato and cassava were substitute to rice and people shared and/or bartered their harvest.

The residents lived a rather

#### Reference 634 - 0.01% Coverage

of the dangers of overconsumption.

However, it should be stressed that even though it is a popular belief that all the descendants of Indian immigrants were/are small planters, which implies that they lived a semi self-sufficient lifestyle, in fact, some of the respondents did not practise small-scale farming. Since they lived in estate camps, they were provided with free ration and they were dependent on the consumer market. The credit facilities that the shopkeepers offered to their clients ensured that the latter could feed themselves.

...Zot aste manze? Wi laboutik

#### Reference 635 - 0.01% Coverage

your salary you pay back)

The workers were provided with a ration card on which the Estate Management wrote the number of children. The Royal Commissioners reported that most estate owners issued rations and the value of the labourer's rations ranged from four to six rupees a month. However, many township day labourers who were Coloured Creoles received from 50 cents to 1 rupee a day without rations<sup>123</sup>.

When they went for food shopping, they presented the card to the shopkeeper who gave them their ration as per the details on the card. But, along the lines of the testimonies, it seems that rations to which they were entitled, varied from one estate to the other.

Goinsamy had 5 pounds of

#### Reference 636 - 0.01% Coverage

week.

Housing conditions and constructions

The estate econo-ethnic hierarchical organisation was reproduced in the residential segregation of the camps that was based on occupation. Residential segregation was common practice on the sugar estates. There was a camp for the agricultural labourers, including the Sirdars; and another where the artisans who worked in the sugar mill lived. L'Etat-Major (Eng. trans. The middle

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#### Reference 637 - 0.01% Coverage

AND SOCIAL CONDITIONS OF DESCENDANTS

managers) lived separately. Accordingly, the estate employees occupied different spaces according to their job status, which implies that they enjoyed different facilities.

...Tu labourerr mem.Tu travayy

#### Reference 638 - 0.01% Coverage

used to construct the houses.

According to Bawol, when the houses were destroyed, it was the estate's responsibility to rebuild them. A guardian checked which houses were in ruins and in a good state and informed the estate management. The latter, then, made a check and gave instructions to the building contractors to repair the shattered houses.

However, it seems that on some estates, the houses were constructed in cement like in Camp Softerre that, as per Mardemootoo's statement, consisted of block houses. The residents were built with the blocks after the Cyclone Gervaise.

Taking on Bhudyea's statement, Friday

#### Reference 639 - 0.01% Coverage

be clean inside and outside.

The sheds were made up of 15 to 20 rooms that were separated by gunny bags and each family occupied two rooms. For example, when Dananan was a child, he used to live in Helvettia camp that consisted of a hangar and his family lived in two or three rooms. There was no toilet; thus, they used the estate toilet and no bathroom, so they fetched water from the public tap.

...lakaz dan kan ti ena

#### Reference 640 - 0.01% Coverage

latter became primary school teachers.

For those who attended school, before and after school hours, the children worked in the fields and did household work. For example, before going to school, Satianand fetched water and from sunrise until nine in the morning, he was gardyen zwazo (Eng. trans. Chasing away birds). He went to the field to chase the birds that ate the rice cob. After school hours, he helped his father in the field to collect and transport pommes d'amour and to fetch food for the cows. He left school at 12 years of age, after finishing his primary educational cycle and, one year later, started working as field labourer on FUEL Estate.

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#### Reference 641 - 0.01% Coverage

languages (in French and English).

As per the respondents' declarations, in each region and even in each estate camp, there were two Baithkas, one Puranic and another Vedic. The Baithka was a structured association (the Baithka society) with a President and a Treasurer. It was not just a teaching place but a gathering and socialising place as well, where the local population of Hindu faith met for religious ceremonies and for celebrating.

For example, in the evening



#### Reference 642 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

While some estate camps were ethnically homogenous, others were ethnically heterogeneous. In ethnically diverse camps, the camp residents testified that there was social and ethnic cohesion. The residents lived in good neighbourhoods and there were no inter-ethnic clashes or divisions.

Yet, these testimonies should be

#### Reference 643 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

entente between neighbours and, therefore, maintained community cohesion and social order in estate camps.

On the other hand, it

#### Reference 644 - 0.01% Coverage

dimension of camp life.

##### Displacement

The estate workers' lifestyle can be conceived as a semi-sedentary life style, in that they often moved from one estate to the other, following forced or voluntary dismissal. When dismissed, they had to find a new job on another estate, and sometimes they resigned from their previous work for a better-paid job with better conditions on another estate.

When dismissed, they could no longer stay on the estate camp and, as Dananan testified, they were given one week to move out. Thus, within one week, they had to find a new work and living places. Most of the time, they lived on the same estate where they lived. There was no Law to protect the estate workers' rights, such as in instances of forced dismissal and to regulate notices of eviction and compensation.

For example, in 1960, after Cyclone Carol, Mardemootoo's father got a promotion and they moved from Camp Softerre on Mon Désert Mon Trésor Estate to live on Beau-Vallon Estate. In 1951, he enrolled in the army, and when he came back in 1954, he started working as Office Clerk and then as Sirdar for Rose-Belle Estate. In 1959, he took employment as marker on Mon Désert Mon Trésor Estate until 1989. In the meantime, he built his house in Rose-Belle where he lives now.

Bawol was working on Labourdonnais Estate and lived in the estate-camp. After the destructive aftermath of the cyclone in 1960 (either Cyclone Alix or Cyclone Carol), the mill closed and the estate-workforce was divided. A group of workers, including him, went to work and live on BelleVue Harel Estate for approximately 60 years. They enjoyed the same benefits on the estate; they earned the same salary and were provided with clothing. In the meantime, he purchased a plot of land.

Those who purchased plots of land like Pentiah and Bawol, transmitted them to their son and descendants. Some, like Pentiah, inherited land from their parents. Hence, all the respondents interviewed were not living in estate-camp but were living in their own houses.

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#### Reference 645 - 0.01% Coverage

## SOCIAL CONDITIONS OF DESCENDANTS CONCLUSION

The aim of this Report was to uncover the working and living conditions of the former estate workers. After this brief analysis, we can conclude that the estate-workers whether they were living or not in the estate-camps, were 'poor' and led a deprived life. They faced discriminatory practices at work that were by the Colonial Government. They were exploited and oppressed.

When compared to those presently living in relative poverty, the estate-labourers did not lead a comfortable life. They did not receive adequate academic education and health care. They had to struggle to make ends meet and to afford the basic necessities.

Even if the Sirdar earned more than the labourers, still they shared the same rudimentary living conditions. However, given than in the sample analysed, none was an artisan, there is no information to compare the conditions of the labourers with those of the artisans. Hence, to construct a comprehensive picture of the life of the estate workers, this research should be extended to the artisans and to the Kolom to hear their voices on their life experiences.

11AGTF/09/51/01; AGTF

### Reference 646 - 0.01% Coverage

AGTF/09/122/1) 4

AGTF/09/184/01 learnt tailoring but had no regular income and came back to work on estate, became sirdar with help of father. 5

AGTF/09/348/01

6

### Reference 647 - 0.01% Coverage

this. For him artisans were

smarter people and therefore better treated, not because they were Christians. Houses for artisans were bigger and better on estate camps. 37

AGTF/09/106/01 – Husband

### Reference 648 - 0.01% Coverage

which appears to have become

more common after Independence, rather than wearing lighter everyday clothing made of cotton, should be obvious enough in an industry that subjects its workforce to various sorts of hazards, such as burning cane, shortly before it is cut for instance. Similarly, providing workers with boots would not only have ensured they did not damage their own footwear, it would have protected them from the kind of abrasions that are bound to follow as a result of working barefoot in cane fields that are often strewn with rocks and stones and other types of projectiles. And of course, sugar cane leaves are highly abrasive and can irritate the skin and lead to rashes, if gloves are not provided, which is one of the reasons why the elderly female sugar estate workers quoted above complained of getting rashes when they "tire divet". It

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#### Reference 649 - 0.01% Coverage

Interview 09/77/01. 72

The complaints listed above only constitute a small fraction of what is in fact a much larger number of complaints made by sugar estate workers pertaining to the non-payment or under-payment of wages in the interviews collected by the AGTF's research assistants. I have deliberately omitted names of specific sugar estates, out of tactfulness, but it would appear that these abuses were being committed on sugar estates right across the island. 73

The informants' claims are lent

#### Reference 650 - 0.01% Coverage

October 1962, 1,226 complaints

for non-payment of wages and 218 complaints for under-payment of wages had been brought to the notice of Labour Inspectors. The amounts claimed in rupees were respectively 67,255.34 and 7,430.48, of which workers were paid out Rs. 47,942.68 for non-payment of wages, and Rs. 4,219.00 for under-payment of wages. It is not possible to determine what percentage of those complaints applied to sugar estate workers, because the Labour Department fails to make this distinction in their reports. But in view of the fact the Sugar Industry was the largest employer of labour in Mauritius until quite recently, it is more than likely that sugar estate workers brought a majority of these complaints forward. 77

There are probably at best only one or two estate camps left in Mauritius. 78

See S.J. Reddi (1984) and Richard Allen (1999) for their accounts of the high rates of absenteeism and desertion from estates by indentured labourers during the nineteenth century. 79

80 81 82 83 84

#### Reference 651 - 0.01% Coverage

example.

Interview 09/160/01.

I am referring to the "ad hoc" committees convened in 1978 and 1982 to investigate the conditions of housing and amenities in estate camps (cited in Manrakhan 1983:121-123). 87

Interview 09/278/01. Truth

#### Reference 652 - 0.01% Coverage

SOCIAL CONDITIONS OF DESCENDANTS 88

According to this report, the dwellings of casual labourers were "either built by the management at some time in the past or built by the estate habitants, often with estate help. In many cases the management declined responsibility for the upkeep of such dwellings, on the grounds that the inhabitants were non-entitled and could leave if they wished". 89

Interview 09/86/01.

The

#### Reference 653 - 0.01% Coverage

5,908 were girls. 94

We do not address the working and living conditions of small cane growers in this study, or “petits planteurs” as they are better known as in Mauritius, since it seems that very few were interviewed by the AGTF’s Research Assistants. Benedict describes the family life of some wealthier small planters living in villages who derived a substantial proportion of their income from growing cane and were not required to sell their labour to make ends meet. According to Daniel NorthCoombes (1987:9), however, a majority of small planters were not able to solely rely on this type of livelihood as their main source of income and worked as labourers on sugar estates at different times of the year. 95

While one might agree with

#### Reference 654 - 0.01% Coverage

being little evidence of subsistence

farming in Mauritius at the time he was conducting fieldwork, I must confess I find it somewhat hard to believe that smallholders or rentiers who grew vegetables or reared livestock did not consume any of the natural products they produced. This much is confirmed by referring to the ARLD of 1948, which shows that based on a household survey of sugar estate workers living in estate camps and villages, 11% of estate-camp households produced food for their own consumption as compared to 25% of village households (ARLD 1948:28-31). 96

According to the Balogh Commission’s

#### Reference 655 - 0.01% Coverage

on top of a manure

heap on a sugar estate and watering it, making it very likely they would have contracted hookworm disease, if they did not already have it. 100

Despite spending several pages describing the history of the use of manure as a fertilizing agent on Mauritian sugar estates over the past one hundred years, North-Coombes (1993:76-82) only writes one line on the Engrais system and the use of human manure to cultivate cane plants. “[H]uman excreta”, he says, “has ceased to be employed owing to the dissemination of Hook Worm”. Andrew Balfour’s (1921:87-88) report indicates that the practice was very widespread at the time he visited Mauritius, which is why he singled out its discontinuation as one of the most important ways to combat the spread of hookworm disease, also pointing out that these conditions “probably have not their parallel in any other part of the world. The main industry in Mauritius is sugar cane cultivation. The cane requires fertiliser and, as Victor Hugo said, possibly with some truth, “the most fertilising and effective of manures is human manure.” Unfortunately, in the Tropics it is also the most dangerous. This fact was not recognised.” 101

It is possible that one of the reasons why red clay was highly sought after by Mauritians living in dwellings made with earthen floors is because clay is less likely to support the reproductive cycle of hookworm larvae. Studies show that infection rates are much lower in areas where clay is present, whereas sandy or loamy soil appears to be more conducive to the successful reproduction of hookworm larvae (cf. Desowitz et al. 1961; Hotez 2008). Thus sugar estate workers in Mauritius might have specifically sought out red clay to combat the spread of diseases like hookworm, and was possibly common knowledge, or a form of folk-knowledge as it were. It is well-known, for example, that one of the reasons Indian peasants plaster their floors with cow dung is to deter vermin infestations. On the other hand, it may have been purely for aesthetic reasons. 103

The ARLD of 1950 provides a comprehensive summary of living conditions in estate camps in Mauritius confirming many of the assertions made in this report (ARLD 1950:83-85). 102

I am not certain why, but towards the end of the 1950s, the Labour Department ceases to provide detailed information about inspections of estate camps, a trend which becomes even more pronounced in the 1960s, when no further details are provided. It cannot be a reflection of the declining population of estate camps, and, hence, their declining importance

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#### Reference 656 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

in the eyes of labour inspectors, who increasingly focus on factory inspections at the beginning of the 1960s, because at the end of 1982 there were still 143 estate camps with a population of 31,000 people (Manrakhan 1983:122). Much the same as it had been throughout the twentieth century. Perhaps it is a reflection of the diversification of the Mauritian economy and the corresponding importance Labour Inspectors began to accord to the inspection of other industries and the increasing numbers of factories. 104

My knowledge is limited by

#### Reference 657 - 0.01% Coverage

so-called "Hookworm Branch". 105

The Manrakhan Commission indicates that adequate provision of drinking water and toilet facilities for sugar estate workers was still an outstanding source of concern in their 1983 Report. 106

Mishra, A. 2009.

107 AGTF

#### Reference 658 - 0.01% Coverage

##### BHEEM MOONEEAN 1.1 Introduction

Mrs. Bheem Mooneean's life provides an insight into the life of a female Sugar Estate worker and the double-burden of being a mother and a labourer. She describes the harsh treatment meted out to labourers by sirdars in her 40 years as a Sugar Estate worker, and the domestic chores that kept her busy until the late hours of the evening after returning home from work. She also describes the enjoyment she derived from singing songs at weddings as she was growing up as a child and the traditional medicine she used to cure injuries and illnesses.

##### 1.2 Childhood

Mrs. Bheem

#### Reference 659 - 0.01% Coverage

##### Life and her Daily Routine

After her marriage Mrs. Bheem Mooneean used to rear cows. She used to wake up at 2 a.m., steal straw, fill about two barrels of water, cook food, milk her cows and boil water for them. She said that she started to work after having her first child. She worked as labourer on Beau Champ Sugar Estate for about 40 years.

Her work consisted of removing dry leaves, planting, applying manure by carrying the basket of manure on her head, dropping cane sets in furrows and harvesting sugarcane. She worked from 4 a.m. to 12/1 p.m. But before leaving for work, she used to follow her usual morning routine. She used to work under the supervision of a sirdar who used to note her presence, assign to Mrs. Bheem Mooneean her work and paid her at the end of the week before the lorry came to take her home. In case she had already left the sirdar used to go to her place to pay her. She earned Rs. 1.50 per day. Her wage increased gradually. During the 40 years that she worked on Beau Champ Sugar Estate she worked under the supervision of many sirdars. Some were cruel. They used to treat some workers unfairly, which resulted in fighting on the Sugar Estate. When she failed to do her work properly, the kolom talked rudely to the sirdar-who then talked rudely to her and returned her work back to her. She even worked when she was pregnant. But during her pregnancies she said that she did not feel at ease when she had to remove dry leaves. She further added that if the sirdar asked the "sahib" to give her another task instead of having to remove dry leaves because she was pregnant, the "saheb" used to ask her to remove grass on the edge of the road. She also told the interviewer that when she was pregnant, she was told not to come to work if she was not able to carry out her tasks. She did not have boots and gloves. She said that when "mariposa" was introduced, she bought a pair.

When her work was over

#### Reference 660 - 0.01% Coverage

##### LACHAMAMAH ('ELO') 2.1 Introduction

A female sirdar, Mrs. Chendradoo Lachamamah led an extraordinary life that very few other Mauritian women experienced. She was actively involved in the trade union movement during the 1970s and 1980s, and has always been particularly concerned with fighting for the rights of female Sugar Estate workers. Upon retiring she became a social worker, offering her services to the handicapped, the sick and the elderly. Now 80 years of age, Mrs. Chendradoo Lachamamah offers words of advice for today's generation of Mauritian women.

##### 2.2 Childhood

Mrs. Chendradoo

#### Reference 661 - 0.01% Coverage

Mauritian women.

##### 2.2 Childhood

Mrs. Chendradoo Lachamamah who is also known as Elo was born at Bonne Veine to Mr. Mwslih Yerriah and Mrs. Sitama Yerriah. Both of her parents were labourers on Bonne Veine Sugar Estate which was later known as Mon Désert Alma Sugar Estate. Her mother also used to rear cows and poultry, selling the milk at 2 cents a quarter litre and eggs at 2-3 cents each. Her parents had a plot of land on which they used to cultivate sweet potatoes, tapioca, "arouy", cornflour, "larout" and banana for the family's own consumption. Mrs. Chendradoo Lachamamah had 2 sisters and 1 brother.

The house of the Yerriah

#### Reference 662 - 0.01% Coverage

happen.

##### 2.3 Working Life

After leaving school Mrs. Chendradoo Lachamamah started to work as labourer on Bonne Veine Sugar Estate. She was recruited by an entrepreneur. The entrepreneur also used to note down her presence and calculate her wage. She was paid as per the workload she could complete. She worked from 7 a.m. to 3 p.m. She used to apply soil in maize and plant sweet potatoes. She worked under the supervision of a sirdar. At first she earned 20 cents per day. But her wage increased gradually. When she started to receive Rs. 1.25 she had to work very hard. She could have a rest only on the pretext of going to the toilet. She had 1 hour for lunch: 11 a.m. to 12 p.m. But she said

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#### Reference 663 - 0.03% Coverage

##### HISTORIES OF DESCENDANTS - SELECTED HISTORIES

that her job on Bonne Veine Sugar Estate was not secure. The white people did not compel her to work. She could go to work only one or two days. But she was compelled to work out of poverty. Moreover, the other labourers and her were not assigned an equal workload. She had no gloves, masks and boots. Given that since the age of 14 Mrs. Chendradoo could not tolerate the fact that people were being mistreated, that someone react violently with another person and someone saying things difficult to hear, once she talked rudely to a kolom and threatened him to "pik sa fousi-la dan ou figir" because he was about to knock against her when she was picking canes in grass and putting them on the road. On another instance she hit a sirdar with a hoe because he mistreated a worker. Even if the worker had completed his/her load of work the sirdar told him/her that he/she still has 5 "golet" (from gaulette, about 12 feet) to complete.

Owing to some problems which she was facing on Bonne Veine Sugar Estate, Mrs. Chendradoo Lachamamah went to work at Trianon where she worked as a sirdarine, an uncommon occurrence in the Mauritian sugar industry. She did this work for four years (1955-1958) and was required to supervise the work of both women and children. She said that she always treated the labourers under her supervision well. Working as a sirdarine gave her experience in measuring the workload labourers had to perform, and it was also during this time that she first started to become involved with the trade union movement. After Trianon Sugar Estate was sold to Mr. Hardy, the latter renamed the latter Sugar Estate as Highlands Sugar Estate and appointed a new manager: Mr. Coombes. On noticing her intelligence the new manager gave her a job in the office and provided her with accommodation in the camp of Bagatelle given that since Mrs. Chendradoo Lachamamah joined Trianon Sugar Estate, she had to rent a house. As part of her responsibilities, she used to arrange the shop, check books and ramas bann let ki vini. She worked on Highlands Sugar Estate for 14 years. She used to go to work at 5 a.m. and return home at 4 p.m. She said that it was difficult for her to perform such a hard work for such long hours given that she had to take care of her small children and husband. By 11 a.m./12 p.m. she no longer felt like working. Despite these difficulties, she was still able to seize the opportunity of being a camp resident to cultivate some vegetables and sell them at the market of Rose-Hill to generate an additional income.

While she was working on Highlands Sugar Estate, that is, in 1968, Plantation Workers Union sent her a letter asking her to become a member of trade unions. Despite resistance from her husband because of fears concerning problems it would create with her employers, she accepted. Her main motivation behind joining Plantation Workers Union was the various injustices that women were subject to on the Sugar Estate. She said that she learnt about some of these injustices during her childhood itself by overhearing the conversations of her parents. But by working on different Sugar Estates she could witness all of them and she herself suffered from some of these discriminations. It was very painful for her. She revealed that sirdars used to beat women with sticks. She mentioned a case whereby a female worker of Bonne Veine Sugar Estate was beaten by a sirdar. The woman was hurt and Mrs. Chendradoo Lachamamah had to accompany her to hospital. Men and women were assigned their load of work on an unequal basis. For example if men

were assigned 125 "golet", women received 115 "golet". In their wage rate too there was disparity, that is, if a woman was paid 5 cent per "golet", a man earned 15 cents per "golet". When a woman work more than her work load she was not paid for that surplus work. Instead, the entrepreneur used to give the extra money that the women should have earned to other people with whom he was well acquainted. Women were not given proper treatment and proper medicine at the hospital. When they got hurt only a small medicine was applied to their wounds and they were asked to go to work on the next day. Mrs. Chendradoo Lachamamah had witnessed male nurses sexually harassing female patients. Women were also exploited sexually by Sugar Estate workers, namely the administrator and sirdars. But women could not protest against all these injustices.

Hardy was an Anglo-Ceylon. Whatever happened on his Sugar Estate had to remain within the Sugar Estate and only "bann sef" could solve the problem. But on noticing Mrs. Chendradoo Lachamamah's way of talking and acting the white people understood that they could not ask her to leave trade unions. So the kolom told her that when she wanted to go to trade unions he would allow her to go because women were being mistreated too much. As a member of trade union she attended many seminars. She used to meet with representatives of different places in Port Louis to discuss.

In 1970, Sir Sewoosagur Ramgoolam introduced the system of card whereby her job on the Sugar Estate was secure. All male labourers were assigned the same workload, she as all the other women

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#### Reference 664 - 0.01% Coverage

to receive gloves and masks.

Following her husband's retirement and since none of her sons had reached the age that they could work on the Sugar Estate she was asked to leave the camp. She thus, returned to Bonne Veine in about 1972/1973 and worked there till her retirement. Even if not like on Highlands Sugar Estate, but at Bonne Veine too she had to work a lot. On her return at Quartier Militaire in 1972 she and the other members of trade unions asked for boots because they used to hurt themselves with their hoe while working and had to tie their wounds and go to work despite that they were suffering. She also affirmed that when the Labour Inspector came on the Sugar Estate she could not talk with them. The Labour Inspectors were bribed.

During the Prime Ministership of

#### Reference 665 - 0.01% Coverage

rate of men and women.

On 19 August 1984 she talked on trade unions and on 4 September they talked about that on television. After her speech: Mrs. Bappoo sent her a letter on 7 Jan 1985 for an interview following which she appointed Mrs. Chendradoo Lachamamah as a member of the Sugar Industry Labour Welfare Fund to represent female labourers. She was determined more than ever since now she had someone to back her in her endeavour. After less than 2-3 months she brought a team of "inspector travay" on Bonne Veine Sugar Estate. Misie Jacques Carey was furious. She used to note down all the injustices inflicted to women and submit the paper to Mrs. Dubois when she went to committees. Mrs. Dubois raised these issues in parliament. When labourers retired without

#### Reference 666 - 0.01% Coverage



#### 4 Marriage and Home Life

Mrs. Chendradoo Lachamamah married Errayah Chendradoo at the age of 18. It was an arranged marriage. Her wedding tent was made of bamboo and "lingouz" which needed to be cut. "prela" was rented by the Sugar Estate. During her wedding her neighbours helped her. Her marriage ceremony lasted 3 days. On Friday a paste of turmeric was applied on her. Saturday had gone by. On Sunday the wedding ceremony took place in her yard. She wore a cream saree and her husband wore a "langouti", "palto" and a white shirt. Although Mrs. Chendradoo Lachamamah could not afford to celebrate her wedding with great pomp, many people attended it and vegetarian food was served to the guests. She also confessed to being a victim of domestic violence for quite some time. She stated that her husband used to get drunk and hit her when she returned late from work or prepared dinner too late.

Mrs. Chendradoo Lachamamah gave birth

#### Reference 667 - 0.01% Coverage

##### BALDEO CHUMMUN 3.1 Introduction

Mr. Chummun Baldeo life provides an insight into the life of a male Sugar Estate worker. Mr. Chummun Baldeo describes the different tasks that he performed on Beau-Plan Sugar Estate and recounts the accident he had on his workplace. He also reveals the harsh treatment meted out to him by sirdars and what is more shocking is that he says that he had to resign. He even states that the "blan" used to play tricks on him. He provides very little and most of the time ambiguous information on his personal life.

##### 3.2 Childhood

Mr. Chummun

#### Reference 668 - 0.01% Coverage

personal life.

##### 3.2 Childhood

Mr. Chummun Baldeo was born at "Medine Camp de Masque". He had 2 brothers and 1 sister. He was the second child of his parents. His father owned an ox cart. He used to carry manure, sugarcane and so on. Given that Beau-Plan Sugar Estate did not have their own transport facilities while carrying out works near the mill, building canals and irrigating canes, his father also worked for the latter Sugar Estate. His mother was a housewife. Mr. Chummun Baldeo said that his family moved to Plaines des Papayes afterwards. But he did not mention exactly when his family shifted to Plaines des Papayes. His house was of straw and the floor was dressed with soil and cow dung. Mr. Chummun Baldeo still remembers the cyclone of 1945 and Carol and so on very well. During the latter cyclones it was horrifying. He could not go out at all and his parents used to put him beneath the "khatya" out of fear that their house might crumble.

At first he said that

#### Reference 669 - 0.01% Coverage

example.

##### 3.3 Working Life

At first he told the interviewers that he joined Beau-Plan Sugar Estate at the age of 12/13. But at another instance of the interview, however, he stated that he did work before that without mentioning exactly at what age and for how long. He just said that he did so when he was small. To be more precise, when his

father worked for Beau-Plan Sugar Estate there were two "misie""misie" Guy and "misie" Zack. They liked his father very much and told him to ask his sons to come to work. Mr. Chummun Baldeo therefore, started to look after the oxen of the Sugar Estate. There were about 200-300 oxen. He had to make sure that the oxen remained on the pasture. He earned about 45-55 cents per day. He revealed that while performing the latter task he had an accident once. He said that on the day of his accident, At 11.30 a.m. he had to bring the oxen to the park for grazing. While the oxen were eating on the "laplenn" near the office of Beau-Plan, he and his friends were swinging on the flowers of "banann bookie" which were hanging on the road. The oxen were going around

#### Reference 670 - 0.01% Coverage

##### HISTORIES OF DESCENDANTS - SELECTED HISTORIES

driver who used to bring all Sugar Estate workers who were hurt to hospital, brought Mr. Chummun Baldeo to Montagne Longue hospital before bringing him to Pamplémousses Police Station. At the Police Station, he could not talk since he spoke mainly Hindi. He just said "yes yes" and was crying. A sirdar who was somewhat related to Mr. Baldeo Chummun' family informed his father about what had happened and his father went to visit him in the afternoon. He was crying. He stayed at the hospital for a few days. He still has scars on his hands.

At the age of 12

#### Reference 671 - 0.01% Coverage

that he had to accept.

While performing the latter task he had to wake up at 5 a.m. He used to get ready quickly; take his big basket of food-bread and a "gadmanze" in which there were maize rice with any curry or tapioca flour, for instance, which were prepared by his mother and grandmother; take his "big palto" and leave for work. He went to work on foot. Beau-Plan Sugar Estate was about 3 or 4 kilometres from where he lived. He had to be dead on time. If he reached his workplace at 7.05 a.m., that is, 5 minutes late, the "markriye" used to ask him to return home. While returning home he used to play on the way and reached home at 1 p.m. He lied to his elders by telling them that he reached work late because they woke him up late. So he returned home.

After that he started to

#### Reference 672 - 0.01% Coverage

talk only to the sirdar.

The Sugar Estate did not provide him with any tools. When he weeded "siendan", for instance, he had to bring his own hoe. He had no boots, gloves and uniform. He used to wear the clothes that he used to wear at home while going to work. He had no holidays and thus, then he was ill for 2-3 days and did not go to work he was not paid. It was during the prime ministership of Ramgoolam that he was provided with the latter facilities.

A prayer was performed before

#### Reference 673 - 0.01% Coverage

## HISTORIES OF DESCENDANTS - SELECTED HISTORIES

He did not live on the Sugar Estate camp. But he did know about the Sugar Estate camp because he had a friend who lived there and on the request of his friend's mother, Mr. Chummun Baldeo used to go at their place during lunch time. He and his friend used to sit outside and have their lunch.

### 3.4 Marriage and Home

#### Reference 674 - 0.01% Coverage

##### MR. CYRIL 4.1 Introduction

From early in his life Mr. Cyril quickly rose through the ranks of the Mauritian sugar industry. Starting as a sirdar when he was 19, he briefly worked at the docks in Port Louis before deciding to return to Sugar Estate work as a "ti kolom". Eventually he was promoted to the post of field manager, and describes some of the benefits he enjoyed from his employment. He also describes his wedding ceremony and his views on young people and family life in Mauritius today.

##### 4.2 Childhood

Mr. Cyril

#### Reference 675 - 0.01% Coverage

Mauritius today.

##### 4.2 Childhood

Mr. Cyril was born in 1936 at St Hubert. He was the youngest of nine children. His father was the manager of St Hubert Sugar Estate and his mother was a housewife. His parents always spoke to him in French. When he was between five to six years of age, his family moved to Eau Bleu near Rose-Belle.

As a child, Mr. Cyril

#### Reference 676 - 0.01% Coverage

Hill.

##### 4.3 Working Life

Mr. Cyril started to work at the age of 19 on Le Val Sugar Estate. He worked as a sirdar and had to supervise the work of about seven or eight women who used to apply salt and plant canes. Initially, another sirdar taught him his work. He said it was not difficult for him to learn since he was the son of a Sugar Estate worker and was often on sugarcane fields. If he had to complain about the workers under his supervision, he made the complaint to the "assistant". But he said he did not have to complain about the workers very often because in his opinion people in the past were more respectful. He said the workers under his supervision were very good. When they failed to do their work properly, he used to ask them to redo it until they did it properly.

After working as a sirdar for one and a half year, Mr. Cyril worked at the docks in Port Louis. There was a long "tapi roulant". Bags used to pass on it. There was a counter. He had to watch if the counter was functioning properly and to give a report on how many bags had passed on the "tapi roulant". He said he found this task boring and resigned after less than one year and went to work on Rivière Noire Sugar Estate at Cité La Mivoie. He obtained a job as an assistant on the sugarcane fields of the latter Sugar Estate. He had to assign to sirdars their work and tell them how much workers should be paid as per their work load.

He said that the post of assistant was somewhat better than that of sirdar, because as an assistant he had more responsibilities and was rewarded accordingly: he earned a higher wage, that is, Rs. 250 per month while as a sirdar he was paid Rs. 5 per day; he had a small office; he was given a bicycle and a house made of corrugated iron sheet.

In 1959 when he was 23 years of age Mr. Cyril went to work on Mon Trésor Mon Désert Sugar Estate, as he believed that he would have a brighter future there. Mon Trésor Mon Désert Sugar Estate comprised of two big sections namely Union Vale and Sauveterre and three small sections which are: Mon Trésor, Mon Désert and Deux Bras. At first, he joined the section of Union Vale as a "ti

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#### Reference 677 - 0.01% Coverage

##### HISTORIES OF DESCENDANTS - SELECTED HISTORIES

kolom". His tasks were almost the same as the ones he performed at Rivière Noire Sugar Estate. But he said working at Union Vale was better, because the Sugar Estate was bigger than that at Rivière Noire. He received the same wage. But if he did his work properly, he could have an increment of Rs. 15-25. He was also given a house and a motorcycle to go on his rounds. The house was made of corrugated iron sheets, and the partitioning was done with "ravinal" leaves. It consisted of two rooms, a kitchen, dining room, small living room, toilet and bathroom. When the first assistant in section Mon Trésor was ill he went to replace him just for one harvest.

After that he worked as

#### Reference 678 - 0.01% Coverage

about two to three years.

Mr. Cyril was promoted to the post of field manager in 1979. At that time, there were two field managers. He was in charge of the three smaller sections: Mon Désert, Mon Trésor and Deux Bras. He had to supervise the "assistan an shef's" work. He had to ensure that all the work was completed within the set timeframe. He said that the Sugar Estate used to make a work plan that all the workers had to respect. The harvest season, for instance, used to start in July and had to be over between 10 and 15 December. He earned a meagre wage of Rs11. He made his rounds in a car and had a driver. He had a gardener. He also received a large house made of concrete. His house was on the section of Mon Désert close to the factory manager's house.

When he joined Mon Trésor Mon Désert Sugar Estates, Mr. Cyril used to wake up at 5 a.m. and reached work around 6 a.m. He always prayed before going to work and asked God to help him with the day ahead. At around 9 a.m., he used to go home, eat a piece of bread, and return to his workplace. Most days his work was over at 4 p.m. Normally, he had to work for 8 hours. When problems like sugarcane fields caught fire or a wagon had derailed, he had to go to work even at night time. He said that Sugar Estates no longer face these problems. He also revealed that when he was working, there were many prejudices. As a worker of the Sugar Estate, he could not go abroad for holidays. In fact, he did not have any holidays. According to Mr. Cyril, workers were subject to a form of slavery.

4.4 Marriage and Home

#### Reference 679 - 0.01% Coverage

## DOOKHIT DEEWAN 5.1 Introduction

Mr. Dookhit Deewan describes his childhood as well as the experiences of his grandfather, an indentured labourer who came to Mauritius from Bihar after promises of making him rich. He also describes his responsibilities as a sirdar working on a Sugar Estate, aspects of his wedding ceremony, and some of the criteria his stepmother used to choose his wife. Just like for his grandfather, the Ramayana is very important to him and he still reads it to this day.

## 5.2 Childhood

Mr. Dookhit

### Reference 680 - 0.01% Coverage

but rather like an animal.

Upon landing in Mauritius, Mr. Dookhit Deewan said that his grandfather continued to be mistreated. "enn bann blan" brought his grandfather to a Sugar Estate-the name of which he does not know. The owner of the Sugar Estate made his grandfather work. His grandfather lived in camps for many years. Eventually his grandfather was able to save some money with which he bought a small plot of land in the village of Plaines des Papayes once "slavery" (that is, indentured labour) had been abolished.

Mr. Dookhit Deewan's father worked

### Reference 681 - 0.01% Coverage

## HISTORIES 5.3 Working Life

Mr. Dookhit Deewan joined Beau-Plan Sugar Estate at the age of 14 years old. His work consisted of removing grass, weeding "siendan" and carrying out works meant for children. He earned 35 cents per day. Work started at 7 a.m. and ended at 4 p.m. During working hours he had to work non-stop, because even if he had been working very hard but had just taken a pause of 15 minutes and that his "sef" caught him, he would be marked as absent. But since the kolom saw that he used to do his work properly, Mr. Dookhit Deewan was made sirdar at the age of 17. As a sirdar, in the morning Mr. Dookhit Deewan had to note the presence of the 25 labourers who worked under his supervision. He used to carry a pole in his hand. He used to measure a pole of 10 "pie" and assign to each labourer his/her workload. He worked from Monday to Saturday. But in case the sugar factory did not have enough sugarcane to crush, he had to work on Sundays too. He used to receive sugar twice in a year: when harvest started before June and In December on the eve of New Year. When he was ill or had a minor injury he could go to the Sugar Estate's hospital. The hospital offered its services free of charge and there was a nurse to take care of him. If however, he had a serious health problem or was badly hurt he had to go to Montagne Longue Hospital.

After waking up in the

### Reference 682 - 0.01% Coverage

home to perform a ritual.

There was no honeymoon however. Mr. Dookhit Deewan married on Sunday and had to go back to work on Monday. He said that he was not paid for the six days he was absent for his wedding. Nor did "misie-la", the estate owner or manager, offer him any wedding present or attend his wedding. However, Mr. Dookhit Deewan said that the guests who attended his wedding gave him 2/5 pounds of rice, 1/2 pounds of dholl and 5 pounds of flour as wedding gift.

Reference 683 - 0.01% Coverage

GROOCHURN BEEANDEWO 7.1 Introduction

Mr. Groochurn Beeandewo discusses improvements that trade unions made to his working conditions as a Sugar Estate worker and the difficulties he has experienced in life. At an early age, his father was bed-ridden, and Mr. Groochurn Beeandewo had to give up his studies at school to look after his two younger sisters while his mother went out to work to support the family. He also describes the difficulties his wife had giving birth to their children when health care in Mauritius was still rudimentary and the type of food he ate and how rare it was to eat meat in the past.

7.2 Childhood

Mr. Groochurn

Reference 684 - 0.01% Coverage

the past.

7.2 Childhood

Mr. Groochurn Beeandewo was born in the village of Jouvance d'Épinay on December 29, 1934, to Bala - a sirdar on Grande Rosali Sugar Estate - and Sushil. The members of the Groochurn family had their own house, which was made of straw. The walls and floor were dressed with cow dung. The living room was partitioned with corrugated iron sheets so that Mr. Groochurn Beeandewo's mother could have a place to cook. He said that his family was poor and used the corrugated iron sheets as a precaution against fire. In their house, there were a bed made up of four wooden boxes, and a table of inferior quality made of wooden planks. Mr. Groochurn Beeandewo's sleeping mattress was made of "petiver" and at night he used to cover himself with jute bags. They did not have water and electricity. For lighting, they used kerosene lamps, and they had to fetch water from a spring found at Jouvance. They carried the water in a container made of tin and stored it in a barrel at home. His mother used to go to the river three or four times a week to wash clothes. He used to go with her and bath in the river.

Where he lived the houses

Reference 685 - 0.01% Coverage

play "kanet triang" and "Goulidanta".

He went to Kongoma School. Given that his school was close to his house he went on foot. He used to bring a piece of bread in a bag or his mother used to give him a roti to bring to school. His parents used to give him 20 cents-which he had to use for the whole week. It was up to him to decide whether he was going to spend the 20 cents on one day or during the whole week. He said he does not remember much about his teachers, since the difficult moments he has experienced in his lifetime has made it difficult for him to remember such information. He just said that they taught him in Creole and Hindi. During the break at school he and his friends used to play hide and seek to kill the time. They used to converse in Creole because the majority of the pupils were Christians. But he had to abandon his studies in his first months in standard III to look after his two younger sisters after his father fell ill and his mother started to work. His father was bed ridden. He was forced to sell their house, but since his father was a sirdar, he managed to get a house on the Sugar Estate camp. His mother had to prepare the food and milk the cows before going to work. Mr.

Groochurn Beeandewo had to make his sisters ate on time and drank the cow milk by putting it in their bottles. After his father died and his sisters grew up and were able to take care of themselves, Mr. Groochurn Beeandewo started to work.

### 7.3 Working Life

Mr

#### Reference 686 - 0.01% Coverage

work.

### 7.3 Working Life

Mr. Groochurn Beeandewo started to work at the age of 14 on The Mount and Beau Plan Sugar Estate, more precisely, in the section of Grande Rosalie. He joined a group of child labourers and was paid 50 cents per day to apply salt. He worked from 7 am to 6 pm in the evening. He said that applying salt was a very hard task because the sugarcane fields were far from each other. It was his mother who got him the job with the Sugar Estate.

Afterwards he had to fetch

#### Reference 687 - 0.02% Coverage

chief was the "masinn" driver.

When the Sugar Estate changed its technique of carrying sugarcane to the mill, Mr. Groochurn Beeandewo and the other five "manev masinn" were told that there was no work for them. But after trade unionists had a discussion with "misie-la", a deal was struck and he and the other five workers were sent to cut and load sugarcane. He was integrated in a group of labourers and was placed under the supervision of a sirdar. Apart from supervising his work, the sirdar used to take down his presence and calculate his wage as well. But it was misie-la who was in charge of everything. He performed the latter task for 30 years. Before harvest he used to perform a prayer at home. He invoked his saints and "gran dimounn". During the harvest season he used to wake up at 1 A.M, go to work on bicycle and start to work at 3 a.m. Harvesting and loading sugarcane were very hard since there was not an exact time at which his work was over. Nonetheless, Mr. Groochurn Beeandewo was happy when it was harvest season because it was an opportunity for him to earn more money. He even claimed that during the harvest season, his wage was higher than a sirdar's. During intercrop season, however, he earned a fixed wage. He used to weed "siendan", remove rocks and plant, for instance. Initially when he used to go to work during rainy days he was asked to go home at 9 a.m. and was not paid at all. But when trade unionists-Ramnarrain and Jugdambi, fought against this injustice he started to receive half of his wage when he was sent back home at 9 a.m. on rainy days. Moreover, when doing the following tasks: removing dry leaves, "grataz" and cleaning, he was assigned a load of work which he could complete by 11 A.M while before trade unions began to fight for workers he had to work up to 3 p.m.

At first he had to buy his own tools. But when the government enforced regulations<sup>1</sup> and trade unions started to work in the interest of labourers the Sugar Estate gave him a "laserp" every 2 years. Afterwards (he did not mention exactly when) he even received money to buy his hoe. Thanks to trade unions he also started to receive holidays, sick leave and "local" and a bonus at the end of the year.

With the enforcement of regulations<sup>2</sup> he started to receive boots, gloves and uniform as well. The Sugar Estate did not organize any party. He and the group of labourers with whom he worked used to celebrate together. But the sirdar used to make them complete their load of work beforehand. When he and his wife

had their children the Sugar Estate gave them about Rs200/Rs300 to buy milk for their new-born babies. During his final years on the Sugar Estate he started to receive 5 pounds of sugar as gift for New Year. When he was about to retire he paid the trade unions Rs. 22 per month. He retired in 1994 at the age of 60 years old. He said that on retiring he was somewhat sad but was also happy to retire and receive his lump sum and that he benefited from his "local" and sick leave. What he liked about his work is that when working conditions improved thanks to trade unions, his job on the Sugar Estate was secure.

#### 7.4 Marriage and Home

#### Reference 688 - 0.01% Coverage

because he had to work.

For his wedding, Mr. Groochurn Beeandewo invited his relatives and some people in the locality verbally because he could not afford to give them cards. He was a member of the society and also of that of a youth club. Consequently both members of the society and youth club helped him during his wedding. His wedding tent was made up of bamboo. Since he was a worker of the Sugar Estate, the Sugar Estate allowed members of the society to cut bamboo on the riverside for his wedding. His wedding ceremony lasted for six days. Given that he worked as "manev masinn" he had 6 Holidays for his wedding. But if he worked as canecutter at that time he would have had no holidays. His wedding was a simple wedding as he puts it: "marye ki ou pe marye enn mar-enn marye mizer". He said that his total wedding expenses came to Rs700 and that nowadays one cannot get a sack of flour for that amount. He bought a sack of rice or flour for his wedding from the Chinese shop on credit. He did not have the means to buy coke for his guests.

Mr. Groochurn Beeandewo's wife gave birth to their children at home with the help of a nurse from the Sugar Estate's hospital. The nurse came to see his wife only for the first two days following her deliveries. After that, he had to take care of her himself to the best of his ability, and if she was not well he brought her to civil hospital or consulted a private doctor. After his wife had their second child, Mr. Groochurn Beeandewo's wage was no longer sufficient to feed his family and his wife started to work as labourer. She left their children with an old woman and paid her one rupee per week. He said that one rupee was a considerable sum of money in those days.

Mr. Groochurn Beeandewo also said

#### Reference 689 - 0.01% Coverage

#### SAYAJEE ROW 8.1 Introduction

Although Mr. Pandoo Sayajee Row lost both of his parents at early age, he went on to live an exciting and varied life that saw him join the army at 18 and was stationed in Egypt for a number of years after the Second World War. Apart from a brief stint as a Sugar Estate worker when he returned to Mauritius for the first time, he has worked in the agricultural section of the civil service for most of his life on returning to Mauritius for good. He also describes the significance of worshipping Ganesha and the Ganesh Chaturthi festival to him as a Marathi.

#### 8.2 Childhood

Mr. Pandoo

#### Reference 690 - 0.01% Coverage

the mountains to cook food.



Both of Mr. Pandoo Sayajee Row's parents were labourers on a Sugar Estate. He still remembers how his mother used to wait for her friends and then they used to go to work together. He used to accompany her to the road. His mother used to hold him. He had big cheeks. She used to touch his cheeks. Then he went back. He lost his mother when he was about 4 to 5 years old and his father at the age of 7. Both died due to ill health. After the death of his father it was his uncle and aunt who looked after his brother, sister and him.

Mr. Pandoo Sayajee Row had

#### Reference 691 - 0.01% Coverage

could sit and drink something.

Mr. Pandoo Sayajee Row came back to Mauritius in October 1950 and received a small sum of money that was destined for him as a returning soldier. Given that there was no progress in Mauritius initially he worked on Sans Souci Sugar Estate for about 1 year. But when La Nicolière was being built He started to repair a canal meant for La Nicolière and carried rocks here and there. He earned Rs.1.75 per day. But his wage was not enough. In 1952 He therefore, enrolled in the army for another 3 years. For him working in the army was better. He was sure that on his return he would receive a small sum of money. And on rejoining the army, he got the opportunity to work as an assistant pay clerk. His work consisted of calculating the money that workers should receive every week.

After his stint in the

#### Reference 692 - 0.01% Coverage

##### PERSUNNOO GOKULANAND 9.1 Introduction

Mr. Persunnoo Gokulanand's life is somewhat out of the ordinary for Mauritians of his generation as he would go on to become the chief attendant of a Sugar Estate laboratory. This work gave him a great sense of satisfaction and upon retiring at the age of 60, his employers rewarded him by buying a plane ticket for him to visit India with his wife. Sadly, Mr. Persunnoo Gokulanand passed away in 2010 and is survived by his wife and son.

##### 9.2 Childhood

Mr. Persunnoo

#### Reference 693 - 0.01% Coverage

and son.

##### 9.2 Childhood

Mr. Persunnoo Gokulanand was born in 1939 at Sans Souci. He was the sole child of his parents. His father's name was NunKumar. His father studied up to standard VI and worked in the laboratory of Sans Souci Sugar Estate. His job was to test samples of sugarcane and sugar. His mother's name's was Sarosatee and she was a housewife.

Mr. Persunnoo Gokulanand grew up in Sans Souci Sugar Estate camp. He said that there were approximately fifteen barracks made of corrugated iron sheets and partitioning was done by walls. Five families lived in one barrack. Mr. Persunnoo Gokulanand and his parents had two rooms and they built their own latrine because according to Mr. Persunnoo Gokulanand, the latrine built by the Sugar Estate was unhygienic. There

was a common tap on every street. They used to fill water from these common taps. And for lighting, they used kerosene lamps.

Mr. Persunnoo Gokulanand had many friends in the estate camp and in the nearby villages, namely, Montagne Blanche, Melrose and Ti Pake. He used to play marbles, "goulidanta", and with kites that his father made for him. His father also bought a ball for him and he used to play with about four to five friends in a large open area between two barracks as there was no playground for children. But his mother did not allow him to play in the morning.

He went to Church of

#### Reference 694 - 0.01% Coverage

liked to travel by train.

When Mr. Persunnoo Gokulanand was 10 years old the Sans Souci sugar factory was destroyed. His father lost his job and they lost their house in the estate camp. Mr. Persunnoo Gokulanand moved with his parents to his maternal grandmother's home in the town of Quatre Bornes. In the town of Quatre Bornes, he learned to speak Kreol properly. He did not mention at which school he did his standard VI. He pursued his secondary studies at Central College in Rose-hill. He studied up to form 4. Everyday he used to walk to school from Remy Ollier Avenue Quatre Bornes, which he said was about one and a half or two kilometres from his school.

9.3 Working Life

After

#### Reference 695 - 0.01% Coverage

school.

9.3 Working Life

After leaving college Mr. Persunnoo Gokulanand stayed at home for two years. In the meantime, his father had been appointed as chief attendant in the laboratory of Beau Champ Sugar Estate by Mr. Auguste Harel. Given that his father was in charge of the laboratory of Beau Champ, he was able to appoint him as an attendant in 1956. About 10 to 15 people worked with Mr. Persunnoo Gokulanand. They used to carry out tests and he used to work on the results they obtained and submit his calculations to the chemist. For example, he said that if the mill had to crush 3000 tons of canes he had to calculate how many hours the mill took to crush the 3000 tons of canes, for how long had it been broken and if the mill had not been able to crush all the canes how many were left on the platform. The administrator could call him before the chemist asked him about his

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#### Reference 696 - 0.01% Coverage

which he used to drink.

Following the retirement of his father in 1970, Mr. Persunnoo Gokulanand was made chief attendant. He said he always received good treatment and was held in high esteem by all "misie blan". The Sugar Estate reimbursed him all the expenses that he incurred. Mr. Persunnoo Gokulanand retired in 2000. On his retirement, the manager gave him a plane ticket to go to India. He felt that this acknowledged his skills and the high esteem his manager held him in and took his wife with him when he went to India. On his return

from India, he was called back to work, and worked for another six months. But since he had already reached 60 years of age by that time, his son asked him to stop working and he agreed.

#### 9.4 Marriage and Home

##### Reference 697 - 0.01% Coverage

#### 4 Marriage and Home Life

On moving to Beau-Champ with his family, Mr. Persunnoo Gokulanand did not live on the Sugar Estate. Rather, Mr. Harel built a house of corrugated iron sheets near the mill for them. On striking Mauritius, cyclone Carol destroyed their house. But the Sugar Estate rebuilt their house and this time the house consisted of 3 rooms and two "godon".

Mr. Persunnoo Gokulanand married at

##### Reference 698 - 0.01% Coverage

a son from their marriage.

Mr. Persunnoo Gokulanand said that he fasted for all Hindu festivals. The Hindu festivals he celebrated included Shivrati, Divali and Fagwa. During Shivarati, he used to make the pilgrimage to Grand-Bassin. For Divali, at first he used to light "Ponga", (flowers of the banana tree). Later on, earthen lamps were introduced, and finally people started to put electric bulbs. On Fagwa, his parents used to prepare several cakes that Hindus used to eat, such as "ladoos", and shared them with other people. He said that he kept this tradition alive. When Mr. Persunnoo Gokulanand lived in the estate camp at Sans Souci, on fagwa elders used to go to Montagne Blanche. They used to beat the "dholok" and play the "jal" while walking there. He used to join them. Residents of Melrose and Ti Pake also used to go to Montagne Blanche, where all of them used to dance and sing. They used to celebrate the whole day. He said he no longer remembers the songs they used to sing. But after leaving Sans Souci, he and his family started to play with colours on Fagwa. He said that he also used to celebrate the arrival of the New Year. For New Year, he used to buy two to three pounds of goat to eat.

#### 9.5 Later Life

Mr

##### Reference 699 - 0.01% Coverage

#### RAMLALL RAMDUTH 10.1 Introduction

Mr. Ramlall Ramduth's life problematizes the romanticized view of the social mobility and prosperity of Mauritius's small planters. He not only describes his working routine as a small planter, but also his work on Beau Champ Sugar Estate before becoming a small planter. Despite the hardships he had to undergo, he said he has no bad memories of Sugar Estate work and was still working on the plot of land he inherited from his mother in 2009.

#### 10.2 Childhood

Mr. Ramlall

##### Reference 700 - 0.01% Coverage

2.

### 10.3 Working Life

Mr. Ramlall Ramduth joined Beau Champ Sugar Estate at the age of 23/24. His tasks consisted of harvesting sugarcane; "siyone ek pikan pios" since there were no machines at that time and removing grass, for instance. He worked under the supervision of a sirdar. The sirdar used to assign to him his workload and to pay him his wage every Saturday. He earned about Rs 3.03 per day. Sometimes the sirdar used to mistreat him. When he failed to do his work properly the sirdar sometimes used to tell him not to come to work. He had to acquiesce. He then used to go to see the sirdar and tell him that he was poor and had a family to support. He should give him work. The sirdar used to tell him that he should do his work properly.

Mr. Ramlall Ramduth said that

### Reference 701 - 0.01% Coverage

He stays at home. Conclusion

Even if these ten life histories portray the lives of Mauritians in the 20th century yet, they do not provide a full picture of Mauritian lives during the latter period. There are many other interesting aspects of Mauritian life in 20th century Mauritius which could not be explored due to time constraint and thus, which need to be explored by future researcher who should continue to work out the life history of the other informants who were interviewed for the Aapravasi Ghat Trust Fund's Oral History Project. For example, one can learn some new aspects of Mauritian life in 20th century Mauritius through the interviews of the following informants. M. Bisnauthsing Kewalparsad was 100 years old in 2009. He said that he used to go at his relatives' place by ox cart. Another informant, Mrs. Khaitoo Taramonee, aged 67 in 2009, worked on a Tobacco field for 1 year during her childhood. Mrs. Harradan Premnath who was 57 years old in 2009 worked as Pond-keeper and gardener for Fuel Sugar Estate before starting to work as a labourer on the latter Sugar Estate and being promoted to the position of sirdar. The last but not the least, Mr. Eustasie Joseph Ben who was 80 years old in 2009, studied up to standard VI and after five to six years of training, he worked as a tailor for several years at Grand-Gaube. At the age of 29 he went to live on the camp of Fuel

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### Reference 702 - 0.01% Coverage

#### HISTORIES OF DESCENDANTS - SELECTED HISTORIES

and he used to sew and there, stitch the clothes of camp residents who were Sugar Estate workers. Mr. Eustasie Joseph Ben did not allow his wife and daughters to go to work because he believes that a woman's place is at home and that man should be the breadwinner. As a result he did not even send his daughters to secondary school. His sons, however, did attend secondary school and three of his sons are occupying white-collar jobs.

#### ORAL SOURCES

1. Informant: Mrs

### Reference 703 - 0.01% Coverage

Truth and Justice Commission 425

VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED  
FREE IMMIGRANTS ON AN ESTATE CAMP – THE CASE OF CAMP ANEEROOD SMITA GYA

#### Reference 704 - 0.01% Coverage

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VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED

Free Immigrants on an Estate Camp – The case of Camp Aneerood/Camp des Routes INTRODUCTION

Camp Aneerood has been chosen

#### Reference 705 - 0.01% Coverage

similar conditions to the indentured.

Camp Aneerood, a former sugar estate camp, lies in the vicinity of Bel Ombre Sugar Estate, in Savanne District. Camp Aneerood later came to be known as Camp des Routes. It is believed that Camp Aneerood owns its name to a Sirdar known as Aneerood, who used to recruit Indians as indentured labourers for Bel Ombre Sugar Estate in the 19th century.<sup>1</sup> This camp is representative of many such camps established in the 19th century and which have survived to this day. The memories of the former inhabitants of this Camp are also very vivid.

The history of the inhabitants has been reconstructed mainly through oral interviews of former estate camp residents, supplemented by some archival research in immigration archives. All photos shown here were lent by the families mentioned in this chapter.

Mrs. Petchaye Coormiah and Mrs

#### Reference 706 - 0.01% Coverage

Certificate of Mrs. Petchaye Sunnasee

Mrs. Petchaye Coormiah, maiden name Sunnasee, 69 years old, was born on 22nd February, 1942 in Camp des Routes and spoke about her childhood on the estate camp.

Estate Life The Banyan Tree

Mrs. Coormiah remembers how she

#### Reference 707 - 0.01% Coverage

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VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED Estate Houses

The estate houses were made of straw and the walls and floors were coated with cow dung and mud paste. Each estate house, generally known as “langar”, comprised of four rooms and one outdoor kitchen. One estate house was shared between two families; each family had two rooms respectively. The outdoor kitchen was found in a corner of the verandah, where each family used to cook food in its respective kitchen. There was a common outdoor toilet made up of three compartments which was shared by the inhabitants of 5 to 6 estate houses.

The estate houses were found near a canal. The canal water was used by the inhabitants to wash clothes and for other household purposes. There was no tap water and the inhabitants used to carry water from

another canal known as "Pani bwarwa" for cooking purposes. A kovil (Tamil temple) was found near that canal in which the deities Ganesha and Mariamen were worshipped. According to Mrs. Coormiah, her great grandparents constructed this Tamil temple and cow dung was used to line the floor and walls of the temple.

Estate Hospital  
On Bel Ombre Sugar Estate, there was a hospital which was found near the sugar factory. The estate hospital provided free healthcare facilities to the inhabitants of Camp des Routes. However, major surgical operations were not practised in the estate hospital. For instance, Mrs. Coormiah's grandmother once suffered from appendicitis and she had to go to Victoria Hospital at Candos, Quatre Bornes, for her surgery.

The Estate Shop  
Near Bel Ombre Sugar Estate; there was a Chinese shop which was run by a Chinese family. They were commonly known as "Chinois Macao" by the inhabitants. The shop was named "Ah Soy". There was another Chinese shop at St. Martin, a nearby village, which was named "la boutique Lompai". These shops stocked a range of everyday items like rice, dried lentils (dholl), fish, more specifically the snoek fish, which was commonly consumed by the inhabitants. Labourers used to obtain rations in the form of rice, flour, oil and dholl on a fortnightly basis from Bel Ombre Sugar Estate. The rations were given on the estate camp itself. Mrs. Coormiah's father used to give 2 lbs of flour, which he received as part of the ration, to a bakery at Chemin Grenier, which was ran by a person of Chinese origin named "Atouna", and in return he would get 4 loaves of bread which he shared among his children.

During times of hardship, wild

#### Reference 708 - 0.01% Coverage

bridegroom came in the camp.

Night life in Camp des Routes was quite animated. Children used to play hide and seek behind the estate houses. Story telling by the elders was a common practice and children used to gather under the verandas and listen to their grandmothers' stories before going to bed.

Next to Mrs. Coormiah's house lived an old couple, known as dada and dadi Muttur. Dada Muttur used to sell roasted peanuts and chickpeas (Bengal gram) to the estate camp's children in order to

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#### Reference 709 - 0.01% Coverage

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earn his living. Dada Muttur

#### Reference 710 - 0.01% Coverage

of Bel Ombre Primary School.

Mrs. Coormiah's grandmother used to live in another estate house in the same camp. She was born and got married in Camp des Routes itself. She used to speak fluent Tamil, which she also taught to her grandchildren. Mrs. Coormiah refers to her grandmother as being a "Coolie" as the latter's parent came from India. Mrs. Coormiah's grandfather used to work as a labourer at Bel Ombre Sugar Estate and also as a huntsman (piqueur de chasse). He passed away at the age of 40. Consequently, her grandmother had to

work as a labourer for Bel Ombre Sugar Estate in order to be able to keep the estate house at Camp des Routes.

In the mornings, a man, employed by Bel Ombre Sugar Estate, used to wake up the inhabitants of the camp by shouting "Bhaat Pakao! Outho Outho!" This was a common practice in order to wake up the labourers. Mrs. Coormiah's grandmother used to go to work at 5 a.m. and was back at 3 p.m. She also reared cows and collected an average of 9 litres of milk per day. Cow rearing was a common activity among the inhabitants of Camp des Routes. There was a common stable made of straw comprising of several compartments at Camp des Routes which was shared by the inhabitants. The construction materials for the stable were provided by Bel Ombre Estate.

Mrs. Coormiah's father, Mr. Mootoovel Sunnassee, alias Tamby Sunnassee, worked as a Sirdar for Bel Ombre Sugar Estate. He was an active trade unionist who had fought for the rights of the labourers. He was born at Dagotière, and after his marriage he came to live at Camp des Routes. Mrs. Coormiah's mother, Mrs. Devanen Sunnassee, had seven children, among whom Mrs. Coormiah is the eldest one. Mrs. Coormiah did not go to school as she had to look after her younger brothers and sisters. She started to work as a labourer at the age of 10 along with her mother for Bel Ombre Sugar Estate, where she earned 75 cents per day and at the age of 12 her daily salary was increased to R. 1.

Figure 3: Mrs. Devanen Sunnassee

#### Reference 711 - 0.01% Coverage

Figure 3: Mrs. Devanen Sunnassee

Mrs. Devanen Sunnassee, maiden name Mootoocarpen, presently aged 88 years, was born at Camp des Routes. Her father worked as an "entrepreneur" for Bel Ombre Sugar Estate. Her mother got married at the age of 12 years. Mrs. Sunnassee did not go to school and she got married at the age of 16 years at Camp des Routes. After her wedding, her husband, who used to reside at Rose-Hill, came to stay at Camp des Routes and worked as labourer in the "grand bande" for Bel Ombre Sugar Estate. He used to earn a fixed salary of Rs.100 per month in addition of a weekly ration of rice, salt, Bombay duck, dhol and coconut oil. In order to help her husband financially, Mrs. Sunnassee began to work as a labourer after her marriage. She also reared cows in Camp des Routes and each family owned a compartment in the stable of the camp. Five of her children were born at Camp des Routes and two at St. Martin village. Mr. Sunnassee was forced to leave the camp with his family. His fault was that he dared to smoke a cigarette

#### Reference 712 - 0.01% Coverage

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VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED Figure 4:  
Extract of Birth Certificate of Mrs. Devanen Sunnassee Figure 5:

Mr. Mootoovel Sunnassee and Mrs

#### Reference 713 - 0.01% Coverage

Figure 7: Mr. Ramlugunsing Alliarsing

Mrs. Mayawantee Dhunputh, maiden name Alliarsing, 73 years old, was born at Camp des Routes. Her paternal grandfather, Mr. Ramlugunsing Alliarsing was 20 years old when he arrived with Mr. Subaghra and

Mr. Deerpalsingh from India in the same ship. Mr. Ramlugunsing lived in the village of Gahmar in the district of Gazipur, India. When these three men came to Mauritius, they were allocated an estate house comprising of 6 rooms at Camp des Routes and were given three consecutive days of rest. Mr. Ramlugunsing brought the Ramayana, a

#### Reference 714 - 0.01% Coverage

every morning before attending work.

Being impressed by his courage and determination, Mr. Frederic Robert, the then estate manager, employed Mr. Ramlugunsing as a Sirdar for Bel Ombre Sugar Estate. Mr. Ramlugunsing began to practice interline cropping in the fields at Bel Ombre where he planted potatoes, maize and peanuts. He married Maneea at Camp des Routes and after the birth of his first child, namely Mr. Dassruth Alliarising (Mrs. Mayawantee Dhunputh's father), Maneea passed away. Mr. Ramlugunsing then cohabited with Pooneea Imrit at Camp des Routes itself. Mrs. Pooneea Imrit was a well-known dressmaker of her time and she used to sew clothes for nearly 500 people in Camp des Routes. She also supported her husband and at night, she went to guard the estate's potato fields along with her husband.

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#### Reference 715 - 0.01% Coverage

IM

Figure 8: Pooneea Imrit

IMMIGRANTS ON AN ESTATE CAMP Figure 9: Mr. Dassruth Alliarising and Mrs. Mayawantee Prayag M P – NON-INDENTURED

Mr. Dassruth once

#### Reference 716 - 0.01% Coverage

Truth and Justice Commission 431

VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED Figure 11:

Mr. Baboo Wooday Narainsing Dhunputh

Mr. Kylashsingh Dhunputh, a relative

#### Reference 717 - 0.01% Coverage

Interview with Mr. Seemadree Appanna

Mr. Seemadree Appanna, 85 years old, was born on the 25th January 1926 at Camp des Routes. His father, S. Appanna, Immigrant No. 402 054, came to Mauritius on 2nd October 1888 at the age of 7 years from Kommadi village, located in the regional subdivided state of Vizagapatam in India, on the steam ship S.S. Taif. He was first 'distributed' to Riche Bois Estate and later was employed as a labourer at Bel Ombre Sugar Estate. Mr. S. Appanna passed away on 11th March 1935. Mr. Seemadree Appanna's mother, Camamah Pothyah, was a Mauritian and also worked as labourer. The couple had 8 children, four daughters and four sons respectively. Mr. Appanna was four years old when his father passed away. His father used to wear a shirt, a dhoti of knee length and a turban. Mr. Appanna also remembers that his father used to draw a



monthly salary of Rs. 8. The weekly provisions were purchased at the estate camp shop, named "Ah Soy", which was found at Bel Ombre Sugar Estate. In addition, ration was received on a weekly basis; every Friday his father went to the "magasin" (storehouse) of Bel Ombre Sugar Estate to get only rice as ration. Vegetables and pulses had to be purchased in the Chinese shop.

Mr. Appanna's mother used to

#### Reference 718 - 0.01% Coverage

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the field along with his parents and earned 15 cents a day. The working hours were from 7 a.m. to 4 p.m. The labourers obtained their break times between 10.30 a.m. to 11.30 a.m. During harvest time he earned 20 cents per day as salary. When Mr. Appanna was 10 years old, he earned 30 cents a day while his mother earned 35 cents daily. At 18, he was employed by Bel Ombre Sugar Estate and obtained a flat monthly salary of Rs.12. By that time no rations were given to the labourers. At 20, he began to work as a carter for the estate and earned Rs.42 per month. He performed this job for five consecutive years and transported 4 tons of sugarcane per day. Mr. Appanna left Camp des Routes when he was 26 years old. He could no longer stay in the estate camp as he gave up the job as a carter for working for a private planter, as the latter paid him a better salary of Rs. 5 per day.

He recalls that the estate houses were made of 6 rooms; two rooms respectively per family. The kitchen was found in the veranda and there was an outdoor toilet for each three estate houses. No tap water and electricity facilities were provided in the camp. The inhabitants used to light up petrol lamp at night and after dinner time, storytelling by elders common from 8 p.m. to around 9 p.m. Children used to play until 11 p.m. in the camp. The inhabitants used to have dinner before dusk and fish and chicken were consumed only once a month.

Mr. Appanna remembers that the

#### Reference 719 - 0.01% Coverage

ethnic group respectively.

#### BISSOONDEOO SUBAGHRA

Mr. Bissoondeoo Subaghra, aged 92 years, was born in 1919 at Camp des Routes. His paternal grandfather came as a labourer from India. His grandfather also worked as a recruiting agent. Along with him came four other persons, Mr. Deerpalsingh, Mr. Sooknanandsing, Mr. Ramlugunsing, his uncle Mr. Benimado Subaghra and his father respectively. Mr. Subaghra's father was 18 years old when he came to Mauritius and later he worked as chief Sirdar for Bel Ombre Sugar Estate.

Mr. Subaghra states that when

#### Reference 720 - 0.01% Coverage

the age of 7 years.

Mr. Subaghra joined the Army on 13th September 1948 and he was shifted to Egypt for 5 months and returned to Mauritius on 10th January 1949. During his stay in Egypt he was imprisoned for 3 months. Mr. Subaghra had a rich work experience. When he returned to Mauritius, he worked as a labourer and earned 20 cents per day. Afterwards he worked as Sirdar for Bel Ombre sugar estate. At the age of 22 he bought a

cart and one ox and worked as carter. He also worked as métayer along with his brother on a plot slightly less than a hectare (one arpent). In 1990 he owned 35 arpents of land under the métayage system. He was elected at the village council election of Chemin Grenier in 1950 and held the post of secretary of village council. He was president of the Poor Law Office from 1960 to 1965 and that of Social Welfare Centre of Chemin Grenier from 1965 to 1966 respectively. Mr. Subaghra also was the owner of a cinema named "Lotus" at Chemin Grenier.

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#### Reference 721 - 0.01% Coverage

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VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED MUSSAI FAMILY

Mr. Hardath Mussai, presently lives

#### Reference 722 - 0.01% Coverage

15:

Mussai Immigrant number 427899

In India he lived in Thakuradan village, found in the state of Basti, found in the administrative District of Danpata. His father's and mother's name was Gulam and Mangari respectively. Immigrant Mussai 427899 was employed at Combo estate, at Terracine, located in the Savanne district. Later he shifted to Surinam and got married at Camp des Routes and he managed to purchase 25 perches of land which he later bequeathed to his son. Mr. Mussai passed away at the age of 55 years in 1944.

Mr. Mussai went to Baie du Cap RCA School and studied until standard 6. Kreol and French was the medium of teaching in his school and he learned the Hindi language in the baithka located at Camp des Routes. His maternal uncle, used to teach Hindi in the baithka. When he left school at the age of 13, he used to give a helping hand to her maternal grandmother in the field. He worked as a labourer and afterwards learned hairdressing from his uncle until he got married at the age of 20 in 1939 and his wife was aged 15 years. After his wedding he was employed as a grade 1 labourer at Bel Ombre Sugar Estate and earned Rs. 8 per month. Work started at 5am and he returned home at 6 p.m. At the age of 35 he worked as driver at Bel Ombre Estate and at the same time he was a métayer. His wife used to rear cows, goats and poultry at Camp des Routes. Mrs. Mussai also worked as an apprentice mason at Bel Ombre Sugar Estate. She also helped her husband on the land they owned under the system of métayage.

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#### Reference 723 - 0.01% Coverage

Truth and Justice Commission 434

VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED Figure 16:

Figure 17: Extract of Birth Certificate of Mr. Hardath Mussai

Extract of Pass Certificate of

#### Reference 724 - 0.01% Coverage

outdoor kitchen at Chemin Grenier

Mr. and Mrs. Mussai have 6 children, who are all boys. According to Mr. Mussai, there were around 300 persons who lived at Camp des Routes. The estate houses, "langar", comprised of 4 to 6 rooms, made of straw. There was no bathroom facility in the camp and the inhabitants used to bathe in the nearby river. When he began to work as a driver he left Camp des Routes and in 1960 he bought a plot of land at Chemin Grenier where he constructed his house and shifted there in 1962.

Mr. Rohit Mussai, their eldest

#### Reference 725 - 0.01% Coverage

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want him to work as

#### Reference 726 - 0.01% Coverage

Certificate of Mrs. Mariaye Vayavory

Mrs. Mariaye Vayavory, maiden name Chellen, presently aged 83 years, was born at Camp des Routes. Her mother passed away when she was one years old. Her father, Mr. Chellen, was in charge of Camp des Routes. He was employed by Bel Ombre sugar estate to look after the camp. Any problems that the inhabitants faced in the camp had to be reported to him first. He was also in charge of the cleanliness of the common stable found in the camp. About 12 men worked under his instructions and they used to clean the stables. Mrs. Vayavory did not attend school. She has 2 children; one son and one daughter, and 7 grandchildren. She worked as a labourer at Bel Ombre Sugar Estate and work started at 7 a.m. and lasted till 4 p.m. She started to work at the age of 10, where she earned 20 cents per day. Her work consisted of manually de-rocking and weeding of the field. At that time, it was a common practice for children to work. She got married at the age of 17 and went to stay at her husband's place at Camp Diable village. After one year, she and her husband settled at Bel Ombre in another estate camp.

There were two estate camps in Bel Ombre; one known as Camp Bel Ombre and the other as Camp des Routes. Mrs. Vayavory recalls how one night fire broke out in the stables found at Camp Bel Ombre, during which the animals could not be saved and all perished in the fire. She also remembers that the estate houses were made of straw and comprised of 6 rooms respectively. Her wedding took place at night and all the neighbours in Camp des Routes gave a helping hand in the wedding preparation, irrespective of their ethnic background. Her wedding tent was made of bamboo poles covered with palm and coconut leaves. Mrs. Vayavory keeps good memories of her stay at Camp des Routes.

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#### Reference 727 - 0.01% Coverage

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VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED  
SOORJEENATH DEERPALSING Figure 20: Mr. Soorjeenath Deerpalsing

Mr. Soorjeenath Deerpalsing, presently aged

#### Reference 728 - 0.01% Coverage

Mr. Deerpalsing's

father named Deelasing

Deerpalsing came as a free passenger, bearing passenger number 731/95, from India on 9th August 1895 on the Steam Ship S.S Wardha. The latter passed away in 1942 at the age of 75. His father worked as a labourer for Bel Ombre Sugar Estate. At that time, recruiting agents were getting 1 pound of rice and Rs. 1 per month per head of labourers whom they brought from India. The labourers were under 5 years of contractual labour.

According to Mr. Deerpalsing, Camp Aneerood bears its name from a recruiting agent known as Aneerood. Aneerood was employed by Bel Ombre estate to recruit labourers from India. Transport cost for the labourers was provided by the estate to the recruiting agents. It cost around Rs. 60 per head to bring labourers to Mauritius. However this money was repaid back to the estate by the labourers themselves once they were employed. Rs1 was deducted on a monthly basis from their salary and at the end of their 5 years contracts; they would have totally repaid the sum of Rs. 60 to their employers. Once the labourers reached Mauritius, they had to take the oath in front of a magistrate that they would respect the conditions found in their contract. For Bel Ombre, the labourers went to the Souillac Court for oath-taking.

Figure 21: Extract of Birth

#### Reference 729 - 0.01% Coverage

three days after being married.

Mr. Deerpalsing's father first worked as a labourer before occupying the post of a Sirdar at Bel Ombre Sugar Estate. After his retirement, he worked as the Sugar Estate Warden and he then

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#### Reference 730 - 0.01% Coverage

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VOL 3: PART I - INDENTURE - FREE IMMIGRANTS ON AN ESTATE CAMP – NON-INDENTURED earned Rs.8 per month. His ration comprised of rice, dholl, salt and oil. His father used to send money to his brothers in

#### Reference 731 - 0.01% Coverage

constant threats from the 'Whites'

(Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the nineteenth and twentieth centuries, are examined in Chapter 5. It is shown that, whilst that community was at one time in possession of one-fifth of the lands available, it gradually lost its economic position and was forced to sell to either 'FrancoMauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

Rodrigues is a case on

#### Reference 732 - 0.01% Coverage

b) Slaves

: 14,100. 29

De l'Estrac, for his part, refers to the presence of many petits blancs who subsisted in poverty and married freed slaves; thus, in 1776, the Census showed that among a White resident population of 3,431, 1,738 were artisans (902 men and 337 women; 305 boys and 194 girls). Half of this White population was made up of what was commonly known as petits blancs who worked as carpenters, ship-builders, masons, stone-cutters, and others as servants on large estates. They married freed slaves, when they could not find White partners. As a result of 'concubinage'

#### Reference 733 - 0.01% Coverage

Education.

Farquhar, being sympathetic in

1820, had a quiet word with Telfair, the same Charles Telfair, who set up a school for slaves at his Bel Ombre Estate from 1823 onwards. 106 Hitié points out that Telfair assisted with the drafting of the 'Prospectus' of 1826, referred to above. 107 For all that, at the time, there was little movement forward towards a College for Coloured adolescents under Sir Lowry Cole's administration (1823-1829).

A little too emotionally perhaps

#### Reference 734 - 0.01% Coverage

##### DISCOURSE, POLICY, PRACTICE AND EXPERIENCE

the centre, the clients attend pre-admission educational programme with his or her family. Most of the clients are said to come from poor socio-economic background. • Centre D' Accueil de Terre Rouge located in Terre Rouge. The premises are secure and accessible. It is close to the main road. It is a male residential centre which offers a 9-week programme. Most of the staff is ex-drug addicts who have been free from drugs for many years. The centre does not provide Codeine/Methadone substitution therapy as do the above two. The Director, in an interview, reported that the problem of substance addiction has no skin colour and no money, implying that the centre has served people who are doctors, accountants and well as relatives of politicians. • Etoile D'Espérance in Moka, caters only for women alcoholics. The centre is housed in a well-maintained house, which provides a therapeutic environment with its garden and trees that complement each other to provide a private home and homely environment. According to the Director, the centre has served mostly Hindus and Creoles ... "we have had Muslim, no Chinese. We have had Whites and foreigners". • Mahatma Gandhi Ayurveda Centre found in Calebasses is an outpatient centre and has four branches in Paillote, Goodlands and Rose-Belle Sugar Estate. It offers counselling for smoking, alcohol and drug abuse. According to the Director, services are offered by Physicians who provide consultation and dispensation of Ayurvedic Medicine- natural medicine and Massage therapist. • Kinouete situated in Port Louis, and works mostly with detainees, while they are in prison and follows them up until discharge. Both Kinouete and Mahatma Gandhi Ayurveda do not house residential clients. Of all centers visited, Kinouete has most counsellors (Social Workers and Psychologists/Psychotherapists and volunteers). They work a lot with the prison-system and have recently been stopped by the Government.

A lot of volunteers working

#### Reference 735 - 0.01% Coverage

indentured labourers from about 1835.

It is documented that, historically (as recently as 6 years ago), Black River Village was a simple fishing village composed essentially of Creoles assumed to be of slave descent and commonly referred to as Afro-Creoles or Black Creoles and of Marathi that have migrated from the Black River Gorges, Cascavell (located before Flic-en-Flac), Henrietta and other regions to Black River and of a small community of 'Franco-Mauritians'<sup>7</sup> that were the big estate owners in the region such as the Maingard Family, Maurel Family, Pilot Family and De Ravel Family.

The demographic profile of this

#### Reference 736 - 0.01% Coverage

attempt to overcome these 'prescriptions':

BLC (Black River, 27 July 2010), whose grandfather owned land on a sugar estate in St Pierre, intimated that racism depends on the perspective of the person regarding the other. In his story, he spoke about how, many years ago, when he played soccer for the National division team, all the teams were separate.

I played soccer or football

#### Reference 737 - 0.01% Coverage

and political and religious affiliations.

A definition of a 'Mauritian' organization of castes was attempted, as well as its relationship with other identity categories such as class, ethnic and religious affiliations. An analysis of distance and originality vis-à-vis the Indian system was undertaken as well as a diachronic dissociation i.e., caste system in India at the times of indenture, caste system during the sea voyage, caste system while settling in estate camps, and then in villages and, to a lesser extent, caste system today.

Our goal is here to

#### Reference 738 - 0.01% Coverage

arguments, linked together, are used:

- The fact of leaving India;
- Crossing the 'black waters' (kala pani);
- Settlement in estate camps.

More precisely, the length of

#### Reference 739 - 0.01% Coverage

being sent out of India.

Settling in estate camps

The first Indians to arrive in the 1830s, 1840s, shared the same living and working spaces as the exslave population still on the estates. Ritual purity and occupational specialization were left behind during the sea voyage and the installation in camps. These spaces have been cited as presenting obstacles to the reproduction of the Indian caste system in Mauritius by Hazareesingh and Benoist, among others, who

stated that Indian indentured labourers waited until they left the estates to settle in villages (in the 1880's) to reproduce the Indian social structure.

In the camps, the absence of spatial segregation and of occupational specialization is presented as incompatible with caste rules and regulations. But detailed reports from sugar estates show that, when requested, estate owners acceded to high caste immigrants, and Muslims, desire to be housed separately from other (lower caste) immigrants breeding pigs. Thus, the caste system did survive in spatial arrangements on estates and as important criteria in private life, especially as far as marriages were concerned. As for settling regulations when it comes to acquiring land, Allen notes that 'it was not uncommon for persons of the same or comparable caste status to purchase land near one another in a specific locality' (167), adding that other criteria were to be considered, such as religious affiliations and jahaji bhai relationships.

Regional origins were yet another

#### Reference 740 - 0.01% Coverage

maintain caste solidarity and logic.

Castes with the largest numbers of individuals, such as the Ahir, the Chamar or the Dusadh, were probably more prone to endogamy and consequently, to a reinforcement of their caste identity, whereas castes with fewer members, incapable of maintaining endogamy, were probably led to renegotiate their status in the local hierarchy through new marriage and life-style strategies. The universe of plantation estates was not at all unknown to Bhojpuri s, as these existed in India as well. The estate camps would not necessarily represent a major rupture with the compulsory conditions of the caste system.

To conclude, indentured immigrants from

#### Reference 741 - 0.01% Coverage

priest from the Vaish caste

- People belonging to the Chamar caste were not allowed to touch golden jewellerys.
- She also talks about the dhobi caste, which is considered to be a low caste
- River was used by both higher and lower caste
- She worked as a at Mon Desert Mon Trésor Sugar estate and casteism was not present on workplace
- All caste used to have

#### Reference 742 - 0.01% Coverage

her sister left her husband.

- The interviewee had friends from different ethnic groups.
- She did not go to school; she went to mandiram. There caste was unimportant.
- She told us that once she was helping in a wedding at Mon Desert Mon Trésor; more precisely in the estate camp of Mon Desert Mon Trésor, she was helping to fill water. A lady threw all the water she filled, because that lady was unaware of the caste of the interviewee. The interviewee mother in law even went to fight over there because of that issue.
- The high castes people perform

#### Reference 743 - 0.01% Coverage

Hindu girl in his family.)

- He has three sisters. His father worked as sirdar at Savannah Sugar Estate and his mother as at Mon Desert Mon Trésor Sugar Estate.
- Many of his nephews married

#### Reference 744 - 0.01% Coverage

confused/considered as a caste).

- She got married at 9 years old and she gave birth to 13 children • She is one among the oldest people who lives in Union Vale estate camp

Summary of main points

- She

#### Reference 745 - 0.01% Coverage

marry only within their caste

- Her parents used to live at Camp Diable, and then they moved to Union Vale estate camp, where she presently stays.
- Jaat (caste) was very important

#### Reference 746 - 0.01% Coverage

even got married at L'escalier.

- She has two brothers and four sisters. • Her mother and father worked as at Savannah Sugar Estate. They also reared animals. • The interviewee has five children; three daughters and two sons. She got married in the Halwaai sub caste. Her parents were chamar.

Summary of main points

For

#### Reference 747 - 0.01% Coverage

after him and his brother.

Parents of the informant He did not know her mother. His father did not go to school. His father had two sons. His father had re- married another woman and thus got a step brother. His father worked in the fields of Constance sugar estate. His father also worked in the lawn of the whites. Work: At the age of 10, he cut canes and performed 'dépaillage'<sup>4</sup> pest killer and spread fertilizers

#### Reference 748 - 0.01% Coverage

needs of the family. Work;

The interviewee highlighted that it was very difficult to get a job; sugar estates were not giving work at that time. Even 80% one has to work in the harvest period so they could be employed. At the age of 12years



old, he quit school and started to work as a rice planter at Mare D’Australia. He used to walk for long hours to reach his work. He did not have a permanent job and worked as a temporary wherever he got a job contract. As a result, he started to plant vegetables including chillies in his own plot of land. Housing infrastructure They were living in an extended family consisting of 25 family members. The informants had taken loan and money from people and even mortgage their jewels in order to get contract and build a house. The kitchen was made up of soil also referred as ‘matti ke la cuisine’ The house was being cleaned by applying cow dung on the floor which was known as “maçonner”<sup>24</sup>

. He

informant’s wife stated that

#### Reference 749 - 0.01% Coverage

catching strategies engineered by candidates),

where caste has ceased to matter during and after indenture are friendships, estate working conditions.

The Mauritian terminology and classification

#### Reference 750 - 0.01% Coverage

served last, and eat separately.

In the estate camps, river water was shared by all, even if it seems probable that high caste people would be served first, and would bathe upstream. All castes were supposed to use the same taps, but certainly not the same containers for water. Certain wells were located close to high-caste houses, and were reserved for them.

- Purity

The purity factor was

#### Reference 751 - 0.01% Coverage

to share meals with them.

Mauritian voices very strongly stressed the ‘equalising’ effect experienced in the past on estate camps among immigrants and descendants. The camp inhabitants saw themselves as members of one family, with all residents being equal members. Caste, as a discriminative criterion, seems to have played a very minor role. One can wonder to what extent this perception is linked with nostalgia and idealized memories of a social structure that is currently disappearing. Neither social relationships (friendship, for instance), nor the school or plantation world seem to have replicated the caste system hierarchy, nor imposed suffering from caste discrimination. Even if the ‘sirdar’ often (but not always) belonged to high castes, this was supposedly due to their better education (they knew how to write and count), not so much to ‘superior’ status in terms of socio-religious purity. Interviewees remarked that ‘sirdars’ today are not exclusively high-caste members.

According to this omnipresent vision

#### Reference 752 - 0.01% Coverage

castes backgrounds of the candidates.

The end of camp life signified the end of this period of acculturation to other cultures and castes for as indentured s and their descendants moved out of the sugar estates, local (inter-caste) solidarities that used to regulate camp living conditions may have been affected. Detailed, in-depth village studies are required to understand the "camp to village" process better. Caste criteria may have been present to regain lost identity or as a tool for betterment, or through marrying within one's own caste, or/and through re-affirming one's 'Indianness'.

Reformist movements, initiated to fight

#### Reference 753 - 0.01% Coverage

indenture and castes were misleading.

First of all, the bibliography described a logical incompatibility between indenture and the caste system. Such a system is supposed to have disintegrated during indenture (leaving India, crossing the Kala pani dark waters and settling in estate camps).

Second, the general taboo and

#### Reference 754 - 0.01% Coverage

weakened without definitely destroying caste

identity; 2/ In the Mauritian context of the estate society and of a multicultural society, many caste dimensions

#### Reference 755 - 0.01% Coverage

so-called "socio-cultural associations".

No positive evidence has been found concerning colonial power or estate owners widely using castes as a means of social control of the labor force in Mauritius. Nevertheless, one has to be cautious about the fact that categorizations born during or even after indenture, and certainly being fossilized since then, represent a danger for the Mauritian nation, and an obstacle to its unity.

- Penalizing caste discrimination

First of

#### Reference 756 - 0.01% Coverage

in a definitely Mauritian identity.

The school system (via text books and national programs) should be revised to incorporate more recent approaches of the Mauritian history. The need is 1/ to break the global division line between indenture and slavery in such a way that descendants of both slaves and indentured labourers realize their common historical fate in Mauritius, and their effectively shared living and working conditions in the estate system that resulted in common representations and practices that ought to be valorized whereas they are denied and forgotten. 2/ to promote the shared popular culture of indentured and slaves descendants. This popular culture needs to be valorized against current temptations to promote an invented root in Sanskrit elitist and orthodox Indian culture. The more people will be conscious and proud of their truly popular roots, the more they will realize their shared past and roots with all Mauritians.

Reference 757 - 0.01% Coverage

675	3. INTRODUCTORY REMARKS .....	676							
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Reference 758 - 0.01% Coverage

SCAR OF SLAVERY ON DESCENDANTS  
TABLES Table 1 - Housing estates with less than 20 lessees  
678  
Table 2 - School Certificate

Reference 759 - 0.01% Coverage

of this country, given that:  
(a) Many do not own any property and live in housing estates as leaseholders; (b)  
Illiteracy is rampant in their

Reference 760 - 0.01% Coverage

of Creoles in public life.  
4.1.1 Housing: CHA Estates in 2011  
Post independent governments within the

Reference 761 - 0.01% Coverage

among them many Creoles and  
In this section, we shall pay attention mainly to "Cités CHA" (Central Housing Estates). These were built after  
cyclone Carol in 1960 destroyed the very precarious houses of poor people, mostly Creole living in the  
suburbs of Port-Louis and towns of Plaines Wilhems.  
In 2011, there were in all 16,883 lessees in 128 CHA Estates. Cf. for complete details Appendix: Table 1.  
- Among them, 11,145 were

Reference 762 - 0.01% Coverage

Rs. 1200 in Quatre Bornes.

- Out of 128 CHA estates, 74 of them have more than 50% of their lessees among Creoles Cf. Table 1 on following page.

- The most significant feature is these data is that Creoles tend to be in overall majority in bigger housing estates (starting from 101 lessees and increasing up to more than 400 lessees (874 for La Cure and 923 for Barkly).

- Among CHA housing estates from a total of 201 lessees and more, in the following 15 estates, Creoles lessees represent more than  $\frac{3}{4}$  of lessees: Pamplémousses, Abercrombie, Pointe aux Sables, La Chaux, Atlee, La Caverne, Allée Brillant, Richelieu, Mangalkhan, Malherbes, La Briquetterie, Vallijee, Roche Bois, La Cure, Barkly.

Table 1: CHA 2011- Lessees with more than 50 % of Creoles Housing Estates with less than 20 Lessees

Name of Housing Estate

1 Providence 2 Les Salines

#### Reference 763 - 0.01% Coverage

Mivoie

Cap Malheureux Beaux Songes

Housing Estates between 21 and 60 Lessees 24 26 30 31 32 34 38 41 42 50 51 52 54 55 57

19 18 22 18 26

#### Reference 764 - 0.01% Coverage

aux Piments

Camp Diable Phoenix

Housing Estates between 61 and 100 Lessees 67 69 74 81 82 84 84 86 86 87 90 93 96 98

34 65 38 46 50

#### Reference 765 - 0.01% Coverage

Baie du Tombeau Goodlands

L'Agrément

Housing Estates between 101 and 200 Lessees 104 117 123 136 157 165 166 171 182 200

60

103 62 98 94

#### Reference 766 - 0.01% Coverage

aux Sables La Chaux

Atlee

Housing Estates between 201 and 400 Lessees 204 204 221 221 234 252 300

161 184 121 141 128

#### Reference 767 - 0.01% Coverage

Bois La Cure

Barkly Total

Housing Estates with more than 400 Lessees 419 462 560 588 602 604 614 634 643 654 874 923

419 360 518 505 524

#### Reference 768 - 0.01% Coverage

Port Operations Department Marine Department

Port Development Department Estate Management Unit

Technical Services Department TOTAL

19

#### Reference 769 - 0.01% Coverage

wages.

Procurement process and trade

The procurement process of slaves was through rapt in African countries and trade between Africans and Europeans. The slaves showed their freedom of choice by leaving their masters' estates at the risk of death (marooning), Le Morne being the symbol of that fight for freedom.

There was no contract or

#### Reference 770 - 0.01% Coverage

of religion, culture and language

In Indian settlements in the vicinity of the sugar estates, there were baitkhas or

village clubs, where the

immigrants

#### Reference 771 - 0.01% Coverage

master and with his approval.

Indians became landowners during the Great Parcelling which began in 1890. At the turn of the century, Indians had saved money and were soon able to buy land from their employers on very fair terms. Low-level managers of large estates were often rewarded with small amounts of marginal land by estate owners.

Human Rights Issue

Slaves were

#### Reference 772 - 0.01% Coverage

a slavery amelioration policy was

adopted but the indulgence of early British Governors towards the opposition of the White planters contributed to the collapse of the implementation of the policy. The English planter Charles Telfair was the

first to introduce education for slaves on his estate at Bel Ombre in 1829 (Quenette, 1982). The arrival of Thomas, a Protector of Slaves, in 1829 following the recommendation of the Colebrook Commission did not bring real improvement in the conditions of the slaves. Thomas met with strong resistance and defiance from the slave-owners. The hostile attitude of both the coloured people and the White against the new Protector, John Jeremie, in 1832 further demonstrates the deep aversion that prevailed against the Blacks.

Initial attempts at the inclusion

#### Reference 773 - 0.01% Coverage

two major difficulties: the medium of instruction and the procuring of competent teachers. In what language should education be provided to Indians? The colonials wanted to use French as the medium but the Government wanted to use the Asian languages. Even among the British, there were serious debates because some of them wanted the medium to be English. In Government schools, the study of English and French was compulsory but it was not easy for poor children to study and master two foreign languages. On the other hand, trials were made with teachers from India but that proved a failure. In 1876, under Governor Phayre, vernacular schools (Tamil, Hindi, Marathi) were opened on sugar estates. After his

Truth and Justice Commission 749

#### Reference 774 - 0.01% Coverage

feelings as best she could.

MR. V. MOHONEE It was the year 1916. Mr. Mohonee was the child of very poor labourers working on a sugar estate in St. Pierre. One of his

#### Reference 775 - 0.01% Coverage

variety of food to slaves.

Owners who preferred to distribute rations depended on availability and financial liquidity, quite apart from their own willingness to follow the legal requirements which were quite low. Moreover, locally-grown supplies were often destroyed by cyclones and drought, causing serious shortage bordering on famine. It is not known what each estate actually produced and whether this was sufficient. (Teelock 1998).

A 70-kg. male slave

#### Reference 776 - 0.01% Coverage

manioc, sweet potatoes and was distributed by owners according to their availability. Food rations were normally distributed to slaves on a daily or weekly basis. The 2 lbs of maize given in the 'French' period were converted by the British as being equivalent to 5 lbs of manioc or 30 ounces of prepared manioc, or 5 lbs of sweet potato (patate) which was not available in the rainy season between October and February. When these were not available, it was substituted by 1½ lbs of rice. On some estates, rations would be distributed straight after work in the evenings, so that slaves could begin preparing dinner. Sundays were also ration days. This daily ration

provided 2,500 to 3,500 kcal of high bulk and high carbohydrate food; while maize and rice contained moderate amounts of protein, manioc had negligible amounts. Therefore, the slaves had to supplement their diet with other foods (protein, vegetables and fruits) by their own means. Telfair claimed he provided each slave with 600 pounds of rice or 1,000 pounds of maize per year, i.e. equivalent to 3,000 to 5,000 kcal per day, apart from vegetables, yams, cambards, sweet potatoes, and groundnuts grown on his estate. But the slave ration consisting of only 1.25 pounds of maize or 3 pounds of manioc was also reported by Governor Cole in 1825 (Allen 1999, Teelock 1998, Telfair 1830).

Rice was given when other foods were not available. On some estates, rice was given once a week on Sundays, while

#### Reference 777 - 0.01% Coverage

of salted fish or meat

(occasionally) and a cup of 'arrack'. On some estates, slaves could take as much cane juice as they liked. Women who were nursing were fed from 'the master's table' for 2-3 months.

Slaves also  
grew their own

#### Reference 778 - 0.01% Coverage

2-3 months.

Slaves also

grew their own provisions: brède (greens) while those in forest estates could hunt for the tandrac (hedgehog). Coastal estates had many slaves employed as fishermen and others picking 'bambaras' ('sea slug') (Teelock 1998).

Truth and Justice Commission 809

#### Reference 779 - 0.01% Coverage

Truth and Justice Commission 809

If food supplies to slaves on small estates were deficient, it was felt that this was Some slaves had access to provision grounds, while others compensated for by the less

#### Reference 780 - 0.01% Coverage

transporting these goods to market.

were permitted to engage in petty trade (Teelock 1998, Allen 1999). Cash crop v/s staple foods By the 19th century, the practice of reserving one-third of estate land for planting food provisions for slaves was not widespread and many estates were in a state of abandon. Sugar cane became more popular and profitable and because of the labour shortage, slaves were not allocated to subsistence crops that would not yield revenue. Between 1808 and 1830, land devoted to sugar production more than quadrupled to 11% of the island surface area and over the same period, the area of cultivation of manioc or cassava (a staple of the slave diet) had been more than halved. Far more spectacularly, the area under

cultivation of the various grain crops almost disappeared. Therefore, when required, sugar estate owners bought food supplies from Government or small estates to feed their slaves (Baker 1996, Teelock 1998). Between a third and a half of estate lands were cultivated in sugar and the rest in other cash crops (cloves and coffee

#### Reference 781 - 0.01% Coverage

practice of providing slaves on sugar estates with individual plots to farm for their own provisions to supplement their food rations. The slaves produced mainly root crops (high in carbohydrate) and some vegetables, but the type and amount of food produced varied widely from estate to estate. Other slaves fished, hunted or simply gathered wild fruits and vegetables: brèdes (greens) which grew in abundance all over the island. Therefore, slaves had traditionally supplemented the rations given by the owner by procuring their own food through a variety of means. A Civil Commissary observed that the quality of food was good by looking at the 'state of the slaves' (Teelock 1998).

A wide variety of some

#### Reference 782 - 0.01% Coverage

basis (Telfair 1830, Baker 1996).

The smallest estates produced only what was necessary for subsistence. The living conditions of the slave and owner were not vastly different and many of the owners were themselves destitute and could not feed slaves. In smaller estates that have enough land, it was common practice to allow slaves as much as they liked. However, there were wide differences in the amount and variety of food available between, and within, sugar producing districts, as well as between large and small estates (Teelock 1998).

On the sugar estates, slaves were allowed to consume sugar cane and sugar, adding considerable calories to their diet. So, despite their heavy work, they were reported to appear 'well-nourished'. On some estates, slaves freely drank molasses and cane juice with a marked increase in their calorie intake, as carbohydrate-rich sugar provides considerable energy (Teelock 1998).

Women and children Males outnumbered

#### Reference 783 - 0.01% Coverage

flogging with leather hide) for stealing or allegedly stealing food (mostly for personal consumption or friends and rarely for sale). Punishments were also meted out to children for stealing or alleged stealing, or even to slaves for complaining. On some estates, the denial of food became a form of punishment. Slaves placed in the stocks or in prison, for example, often went for days on nothing more than manioc root and water (Teelock 1998).  
2.3 Indentured labourers 1835

#### Reference 784 - 0.01% Coverage

morbidity and mortality (Boodhoo 2010)



2.3.2 Food production and supplies On some estates, Indians cultivated vegetables and reared animals such as cows, goats or pigs. Estate owners allowed the rearing of animals inside the camp, in order to encourage labourers to stay on their estates. In the same way, some planters provided land to labourers for them to cultivate gardens (Boodhoo 2010).

Rice and dhol and other

#### Reference 785 - 0.01% Coverage

could buy certain food items

from the shops on the estates or from the hawkers. There were complaints about the high prices of foods such as poultry, pigs, goat, fruits and vegetables (Boodhoo 2010).

Many Indians had other food

#### Reference 786 - 0.01% Coverage

produced themselves, such as milk,

poultry, meat and vegetables. The sale of animals brought a substantial increase in their revenue. This trend, which started in the mid 1850s, accelerated in the decades that followed, as Indians moved to set up independent enterprise, as soon as they terminated their contract with the estates. However, not all estates of the island provided facilities to Indians to keep animals or cultivate gardens (Boodhoo 2010).

Indians could improve their consumption

#### Reference 787 - 0.01% Coverage

growing sugar cane (Boodhoo 2010).

2.3.3 Indian diet Most of the Indians came from rice-and-flour eating areas in India. On the estates, they were provided with food items that were familiar to them: rice, flour and dhol. They refused to consume manioc and maize or food unknown to them. Rice remained the main ingredient in any meal, but it sometimes happened that its importation was affected by poor production in India, the main supplier. Immigrants, drawn from different parts of the subcontinent, had many variations in cooking and eating customs (often based on the caste appurtenance). Due to their various taboos, their food at first was simple and monotonous. Some variations became possible only on some estates, where they were allowed to do some gardening, and rear animals and poultry. When shops were opened on the estates, more Indian food items, such as spices, became available (Boodhoo 2010).

2.3.4 Food rations

#### Reference 788 - 0.01% Coverage

without giving any details. Indians

complained of food items that were unfamiliar to them. Employers had, therefore, to provide Indian food items such as, rice, ghee (clarified butter), dhol, salted fish, tamarind, salt and sometimes tobacco. Attempts to provide local food items like manioc and maize to Indians failed. Planters also preferred to distribute

imported rice instead of cultivating local foodstuffs on their estates. The Indians, who formed the bulk of the population (in the second half of the 19th

Truth and Justice Commission 812

#### Reference 789 - 0.01% Coverage

their wages, i.e. they

received five rupees or ten shillings a month as wages and food and a clothing allowance, in addition to free housing on the estates and free medical attendance. The daily rations were as follows: two pounds of rice for one man, one and a half pound for one woman, half a pound of dhol, two ounces each of salt, mustard, oil and tamarind. This was a ration high in carbohydrate, moderate in protein, low in fat, with low levels of B-vitamins. The ration (if provided in full and regularly) was slightly more than adequate for an adult's needs; however, it often had to be shared with other members of the family. Labourers who freely drank cane juice experienced a marked increase in calories as carbohydrate-rich sugar provided considerable energy (Boodhoo 2010, Mishra 2009).

Estate owners often provided either salted fish or dhol, but not both, saying that Indians preferred dhol to fish. However, this ration did not cover the needs of labourers with families, women and children too young to work. Those who became sick, while at work, received the whole ration, while those who did not attend work at all did not receive any ration. Rations were distributed on Saturdays during the 'entrecoupe' (non-harvest) season and on Sundays during the harvest season. Rations and wages were given to labourers who fell sick or had an accident at work. Those who were sick and absent from work did not receive any wages or rations. But working conditions varied widely from estate to estate (Boodhoo 2010). For the field work on the estates, the labourers were organised into three gangs (McMillan 1914):

La Grande Bande and La

#### Reference 790 - 0.01% Coverage

was sold daily in coastal

villages and on most estates, while it was less available in towns, and frequency of purchase depended on the income level. Salted fish and bomli (dried Bombay duck) were sold in all Chinese shops and eaten once or twice a week. Indians ate fish (fresh or salted) more often, and meat or eggs less often, while Creoles ate meat several times a month. Very little milk was consumed generally (Wilson 1946).

Truth and Justice Commission 816

#### Reference 791 - 0.01% Coverage

as far as health care

and the supply of food were concerned. There was a correlation between sugar production and slave mortality, due to, among other reasons, severe labour, insufficient food and living conditions. The 1832 Census revealed continued persistent high mortality figures in most estates, as a result of little improvement in the provision of food and health care for slaves (Teelock 1998).

The average height of 120

#### Reference 792 - 0.01% Coverage

was compulsory for men (Indian labourers) to attend the estate hospital when ill, women and children often did not, either due to ignorance or cultural norms or poor hospital conditions (including food not being to their liking). Children were often not vaccinated. Women would not deliver in hospitals and gave birth in their Truth and Justice Commission 819

#### Reference 793 - 0.01% Coverage

Truth and Justice Commission 819  
huts with the assistance of traditional midwives (daïs). They attended hospitals only in case of complications. This resulted in high child and maternal mortality on the estates. But things gradually improved, when medical care and living conditions in estate hospitals improved (Boodhoo 2010).  
In the 1920s, about a

#### Reference 794 - 0.01% Coverage

mortality, qualified midwives were placed on sugar estates from 1918 onwards, but unfortunately the scheme was defeated by the unwillingness of the poor to use the services, albeit provided gratuitously, mainly due to the fact that for a meagre remuneration, the daïs accepted to do the laundry. This problem was addressed by Health Education and the training of daïs. A health visitors' scheme was also started for home visits to provide maternal and newborn care, and educate young mothers in the care and upbringing of infants, including hygiene and infant feeding. The Poor Law Department provided support to deserted and widowed mothers and neglected children (MHD 1924).  
It is known that malnutrition

#### Reference 795 - 0.01% Coverage

on the nutritional state of children in rural villages and the sugar estates showed the close relationship between malnutrition, malaria and anaemia. Malnutrition was more frequent among children living in malaria-prone villages (especially in the coastal belt). The study also demonstrated that supplementary feeding of malarial children was beneficial and enhanced drug action, as well as improving nutritional status. A malaria survey (1942-44) revealed that infected young children showed Vitamins A and B-complex deficiency signs. Several village level nutrition surveys were carried out to study the nutrition state of children (MHD 1944, Wilson 1946, MHD 1948).  
An outstanding factor was the

#### Reference 796 - 0.01% Coverage

early 20th century followed the importation of refined rice (deficient in vitamin B1) that was mostly fed to Indians on the estates and prisoners (on account of its cheapness).

Deaths from beriberi continued be

#### Reference 797 - 0.01% Coverage

wherever sugar was made. In

Mauritius, prior to 1895, a distillery was attached to almost every sugar estate, and over 100,000 litres were produced per month, bringing high amount of revenue to the Government. But with decreasing exports to Madagascar and East Africa, the revenue from the sale of rum fell significantly, and most of the distilleries closed their doors, thus greatly decreasing the level of alcohol consumption on the Island (Anderson 1918). In the early 20th century

#### Reference 798 - 0.01% Coverage

sickness and mortality among slaves,

apprentices and troops. During the 1825-40s period of sugar expansion, the widespread distribution of liquor to slaves as an incentive to work proved to be detrimental as slaves turned into alcoholics. The amount and frequency of arrack distribution differed on each estate but ranged from as little

Truth and Justice Commission 826

#### Reference 799 - 0.01% Coverage

in the districts (Teelock 1998).

Alcohol abuse also became the cause of great concern during indenture period, when an increase in drunkenness caused a reluctance to work among Indians. On some estates in the 1840s, rum was even distributed free together with the rations. It was realised that high alcohol consumption was detrimental but the Government was reluctant to increase taxes on arrack production as this would be unpopular among distillers, and it took no measures to decrease consumption as sale of rum-generated important revenue for Government (Teelock 1998, Boodhoo 2010). High-sales of rum and locally-made wine, both almost exclusively consumed by the Coloured population, were regarded, to some extent, as symptomatic of low vitality and limited interests in work (HMSO 1943).

Consumption of alcoholic beverages increased

#### Reference 800 - 0.01% Coverage

great injustice and hardship caused.

According to their contracts, lodgings were to be provided to the immigrants on the estates they were recruited. The camps were often stuffy and damp with no openings to allow circulation of fresh air. Around the 1930's the labourers occupied the accommodation previously used by the slaves. With the arrival of the big wave of workers in the late nineteenth century, the housing situation became very alarming causing great harm to their health. The Royal Commission found great diversity in the arrangements of the camps. Some, constructed at great cost were of good

Truth and Justice Commission 874

#### Reference 801 - 0.01% Coverage

the condition of his camp’.

The Ordinance of 1845 established that each estate employing forty labourers or more was required to operate a hospital to provide treatment to the workers. The Royal Commission of 1875 made an explicit incursion into the state of hospitals and their management.

All the above provisions, applied or overlooked had an impact on the health of the Indians. Ordinance No. 6 of 1845 provided for the creation of hospitals with certain norms on the estates. Previous to the Ordinance of 1845, the few hospitals that existed were in such deplorable conditions that Magistrate Anderson observed ‘the hospitals on the establishments which I have seen, are generally more calculated to increase disease than to alleviate sufferings..’.

The Report found ‘the Hospital

#### Reference 802 - 0.01% Coverage

in proportion to each bed.

A medical attendant visiting the hospital once or twice a week according to the size of the estate.

Store such medicines as may

#### Reference 803 - 0.01% Coverage

recorded that under proclaimed Ordinances,

immigrants were ‘to receive all medical aid on the respective estates to which they attached’ but was in many cases ‘little more than a declaration that there should be a hospital on all estates’ and as a general rule ‘the law was a failure’. The Stipendiary Magistrate had noted that ‘not one of the sugar estates possesses a building provided with everything required by a hospital and as to the building, it was a mockery to call it a hospital.

In general, it was on

#### Reference 804 - 0.01% Coverage

by Dr. R Ross included: ☐

Periodic medical examinations of children in schools and on estates and the continuous treatment of all of them found with enlargement of spleen.

☐

☐Continuous house-to-house distribution

#### Reference 805 - 0.01% Coverage

in the country • Medical and

health facilities viz. hospitals including sugar estate hospitals, dispensaries, infirmaries, orphanages and crèches

#### Reference 806 - 0.01% Coverage

and other diseases in 1943.

All these developments had an impact in the health sector in Mauritius. Application of the Ordinance of 1844 saw the establishment of hospitals on sugar estates, creation of the Medical and Health department with two divisions catering for the curative and preventive services in 1895. Ordinances on sanitary and public health matters proclaimed during the nineteenth century culminated in the consolidated Public Health Act of 1925. The scope of this Act covered a large number of health issues on (1) Sanitation; (2) Infectious or Communicable Diseases; (3) Certificate of Death; (4) Dangerous Epidemic Diseases; (5) Disposal of Effluents by Hotels; (6) Leprosy; (7) Protection of Foods; (8) Food and Water Supply; (9) Hospitals and Dispensaries; (10) Cemeteries;

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#### Reference 807 - 0.01% Coverage

a population of 781,615

inhabitants had 8 general hospitals 46 dispensaries including 2 in the prisons, 11 out patients departments, 13 specialized units for tuberculosis (1); chest diseases (1); maternity wards (7); mental hospital (1), Lepers' hospital (1) and prisons hospital (2). There were also 22 Sugar Estate Hospitals; 20 Sugar Estate Dispensaries, and 5 Nursing Homes. 7 Maternity and Child welfare Centres and 35 Social Welfare Centres providing Maternal and Child Health services were subsidized institutions.

In 2009, the Island, with

#### Reference 808 - 0.01% Coverage

Indian neighbours to denounce the

removal of the sick, and to point out the shops where rats were seen dead or alive. On sugar estates the planters were also held responsible for the spread of Plague for failure to inform the Sanitary Authorities of dead rats in the estate's grain store.

As regards the 1891 smallpox

#### Reference 809 - 0.01% Coverage

died relatively young. Their life

expectancy was short compared to that of the white population. As regards the indentured labourers, Balfour (p. 24) observed that the diet (consisting of salt fish and dholl, rice, ghee or oil and salt only) provided by sugar estates hospitals to patients suffering from dysentery and diarrhoea was unsuitable and "inhumane". No supplement of nourishing food such as milk was given to patients for reasons of economy. Beri-beri, the food deficiency disease "attains epidemic prevalence"; it was believed to be due to the habit of eating highly polished rice. In the same way, Indian and Creole "habit of closing up all windows of sick rooms especially at night" was viewed almost as a cultural deficiency, and was responsible for the spread of diseases. It was hardly ever admitted that many Indians died from pneumonia because they were given inadequate clothing and could not afford to buy any with a meagre wage.

Balfour also observes that alcoholism

#### Reference 810 - 0.01% Coverage

of the effluvial theory, and

treatment consisted of quinine therapy. The use of aromatic herbs and the making of bonfires were advised to chase out mosquitoes. In the 1960s, bonfires of eucalyptus leaves were strongly recommended on estate camps. During fieldwork in Beauchamp, elderly informants referred to eucalyptus as a deterrent to the propagation of Malaria.

Rubefiicient (Rubefacient): Mouroungue Anderson notes

#### Reference 811 - 0.01% Coverage

of healing", concludes our informant.

6.1 Traditional healers On estate camps both Creole and Indian communities had femmes-sage or mid-wives

practitioners. After delivery the mother

#### Reference 812 - 0.01% Coverage

traditional remedies namely plant therapy.

3. Traditional medicines are being reinvented and repackaged to meet the needs of consumers. There is a growing industry of herbal teas. It is claimed that they can provide relief to a wide range of health problems, from minor ailments and cure cancers. The Bois Cheri tea estate offers Citronelle tea, Ayapana tea and Tulsi tea and La Chartreuse offers Thé vert or Green tea.

4. The manufacture and commercialization

#### Reference 813 - 0.01% Coverage

Poor Law and Medical branches.

The grounds of the Institution (about 80 acres) formed part of an old sugar estate, which derived its name from the beautiful pond, Beau- Bassin. The establishment was lit up by electricity and with its roads and the cottages of the resident officers, it had the appearance of a village of about 620 souls. It was named after Sir Henry Barkly, K.C.B. who, at the time of its inception, was Governor of Mauritius.

The Brown Sequard Mental Hospital

#### Reference 814 - 0.01% Coverage

are equally guilty.

Slave Trade

The slave trade to Mauritius was started to supply the island with cheap labour and as any commercial venture, as a profit-making activity. Without the establishment of a slave society and economy, there would have been no Ile de France in the 18th century and no sugar industry in 19th century British Mauritius. While the economic contribution of the free persons to the setting up of the colony is amply recognized in daily life (street names, books, plaques, genealogies, buildings and archives) the memory of slaves who built Port

Louis' infrastructure, who cleared the land for the first sugarcane, wheat, manioc and indigo plantations, who built and manned the French fortifications and naval squadrons, or provided the domestic labour in all households is barely known or seen in everyday life. Most Mauritians are unaware that the cobbled streets they walk on in Port Louis, the classified fortifications they visit, the 18th-century stone buildings they enter were built with the labour of slaves. The slave trade permitted many in Mauritius and France, to make small or big fortunes that later were invested in estates, land and businesses. Thus the fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th centuries. It is therefore crucial that

#### Reference 815 - 0.01% Coverage

Espérance jusqu'au port Suez".<sup>159</sup>

We do not know where exactly the Mozambicans were placed, but they generally worked in the port and on plantations, because they were robust; 20 were on the estate of Demoiselle Gilette Robin, at the habitation Duplessis.<sup>160</sup> Island and those of Cabo Delgado.

The French went to the

#### Reference 816 - 0.01% Coverage

presence there in Mauritius, 'INDIA'

1728 witnessed arrival of first Indian slaves in Mauritius under French rule. They were sent to the estate of Philippe Lenoir, Governor of Pondichéry.

Governor Dumas brought back free

#### Reference 817 - 0.01% Coverage

the 28th March 1857. 10

In conclusion, we have seen that the tribal groups arriving to Mauritius included the Munda, Oraon, Santal, Gond and Khol. The majority of them were young males and came chiefly from the Chota Nagpur region. Between the years 1843 and 1844, there were a few women and children also who arrived in Mauritius. The tribals were found on every ship leaving Calcutta. After 1844, there were fewer immigrants from the tribal group. Their heavy mortality on board the ships which took them to the island and to the estate discouraged the recruiters from recruiting them. However, some tribals continued to arrive on the island, throughout the period of indenture.

Died at Plaines Wilhemes 10

#### Reference 818 - 0.01% Coverage

early as 1825 by Adrien

d'Epinay, 10 years before slavery had been abolished. On his estate at Haute-Rive in Rivière-duRempart District, it appears they worked side by side with slaves in the sugarcane fields. D'Epinay wanted to show his slaves that free men did not consider it a dishonour to perform manual labour in the cane fields. This could be considered as the first experiment with indentured Indian labour. But few sources are available to study this 'experiment' further.



The next recruitment came in

#### Reference 819 - 0.01% Coverage

##### 4: PART VII – INDENTURED IMMIGRATION

Bhoodhoo, Lungon, and Bhudhram. Their labour contract was written in Bengali. The salary for the males was 5 Rupees per month, while for female labourers, four Rupees per month. The sirdar's salary was 10 Rupees per month and the assistant sirdar around 8 Rupees per month. They all received six months' pay in advance before boarding the Atlas. One rupee was deducted by Hunter Arbuthnot & Company to pay for the return passage to India. They had paid for the immigrants' journey from Calcutta to Port Louis. They were also to be provided with food, clothing, lodging and medical care. The ship also carried a large cargo of rice. On the 3rd November, Monday morning, Arbuthnot wrote to Governor Nicolay, requesting that: 'they be allowed to land 36 Hill Coolies from the ship Atlas, whom they intend to employ on their Estate, under guarantee that they shall not become a charge on the Colony'. Permission was granted. These first Indian labourers were, according to Brenda Howell, 'the pioneers of a migration which was eventually to transform the character of Mauritian life and industry.' Between November 1834 and April 1839, during the first wave of Indian immigration, around 25,468 Indians were introduced, amongst whom were around 23,281 males, 727 females and 175 children. Almost 15,000 came from Calcutta and Bombay and over 9,000 from Madras and modern-day Andhra Pradesh. More than half of these first Indian immigrants belonged to rural tribes known as the Oraons, the Mundas, Bhumijes, and the Santals.

In May 1839, immigration from

#### Reference 820 - 0.01% Coverage

Mauritian history and deserve a

reconsideration as ex-slaves and the first indentured labourers have been viewed rather negatively in official colonial reports. Historians have also tended to focus on events in the rural areas and less on what was going on in Port Louis. Yet Port Louis was a place which welcomed people from all sorts of backgrounds as well those escaping from something and wishing to blend into the incredible mix that constituted the town of Port Louis. Among these, were those who escaped from their employers and estates and hoped for a better life in town. When caught, both apprentices and indentured labourers found themselves imprisoned in the same place, the Bagne and were treated as 'criminals'.

Today, we urge a reconsideration

#### Reference 821 - 0.01% Coverage

prisons resulted.<sup>14</sup>

##### THE INDIANS

In the last week of February 1836, Captain Weir, the Special Magistrate for Port Louis, reported to George F. Dick, the Colonial Secretary, that ever since the beginning of the previous month, there had been a gradual influx of Indian labourers into the colony's capital from the sugar-producing rural Districts. The majority of these Indian workers had been introduced into the colony only a few months before and they were arrested as vagrants near Government House and the Casernes Centrales. Furthermore, in the month of February alone, 84 Indians were caught and incarcerated at the Bagne which was already crowded.<sup>15</sup> Immediately, the following day, Governor Nicolay, clearly recognizing the urgency of the situation, ordered some of the

Indian vagrants to be moved from the Bagne Prison to a makeshift prison in the Magazine or the same large building which served as a warehouse for the storage of goods which were taken off ships anchored in Port Louis harbour. During the last week of that same month, W.W. West, an English sugar planter and owner of the Vale Estate in the District of Pamplemousses, wrote a lengthy letter to the Colonial Secretary in which he made a number of interesting observations. He explained that he employed more than 50 Indian labourers and that over the past several months, it became a common practice for them to escape from his sugar estate to order to go to Port Louis.<sup>16</sup>

To deter Indians from leaving their estates, the Prison Committee suggested that no distinction must be made when it came to the punishment being inflicted on prisoners of the Bagne. Both maroon apprentices and vagrant Indians were to be punished in the same manner.

One of these punishments included

#### Reference 822 - 0.01% Coverage

provided another explanation in 1839:

"By the too rigid discipline of most plantations, the Indian labourer is subjected, without the smallest advantage to the master [...] the obligation of the Indian labourer in being provided with a 'billet de passe' to venture beyond the boundary of the estate during out of working hours, is a 'tracasserie', to which the Indian has never been used in his own country, it is an abrogation of personal liberty, to which he would never consent and which he has not subscribed to by merely engaging to services of the ex-apprentices who were exempted from it. The subjection of the Indian to it can never be defended on several estates, the system has been given up...I am told however the abandonment of the system has extended since the Emancipation of the apprentices to so many estates that it could hardly be said to exist at present [...]"<sup>22</sup> He, too was afraid that indenture might also be likened to slavery: 'So sensitive are these men that the least semblance of an assimilation to the preceding condition of the servile class should be carefully avoided and the stocks on the estate ought to be quietly removed as being a great eyesore to freemen.'<sup>23</sup>

Furthermore, being tied to one

#### Reference 823 - 0.01% Coverage

had been imprisoned there before

abolition of slavery.<sup>27</sup> The presence of so many maroon apprentices is clear evidence that many slaves did not want to remain as apprentices after abolition. Thousands ran away from the estates but many were promptly hunted and arrested in maroon apprentices hunts, reminiscent of slave maroon hunts.<sup>28</sup> But there was another reason: like the slaves, many had lodged complaints with the Special Magistrates against their former owners and were being kept in protective custody at the Bagne until the Special Magistrates of Port Louis investigated their cases.

By the end of 1836

#### Reference 824 - 0.01% Coverage

criminals on the grounds that:

"By thus separating the Indian immigrants from the ordinary criminal classes, a treatment suitable to the circumstances of their race can be applied, whilst their isolation will materially facilitate the claiming of

labourers by their employers and the restoration, on the expiration of their sentences, to the estates to which they may have been indentured.”<sup>47</sup>

This passage from his recommendations

#### Reference 825 - 0.01% Coverage

directly and indirectly discouraged.”<sup>49</sup>

About ten years later, even Ashley Eden, a member of Indian Civil Services who was very instrumental in the suppression of Santals uprising in India, made a note that ‘the tendency of the colony was to treat as vagrants all Indians who did not choose to labour on the estates.’<sup>50</sup>

The influence of slavery on

#### Reference 826 - 0.01% Coverage

to the society as whole.

From the late 1840s, the problem surfaced of how to deal with immigrant labourers who had completed their ‘industrial residence’ but did not want to continue on the same plantations with the same working conditions. After completing five years of industrial residence, many immigrant labourers decided to explore alternative options, which did not go down well with planters who wanted them to continue working on estates. According to colonial perceptions these Old Immigrants did not want to continue working on the plantations because they were ‘habitual idlers’ and because of their ‘unsettled habits’ and ‘erratic character’.<sup>54</sup>

By the 1850s, desertion and

#### Reference 827 - 0.01% Coverage

pretext, was arrested as vagrant.

Ordinance 4 of 1864 (Article 16) did away with the distinction between desertion and vagrancy, while the punishment for both the offences had been different before in terms of quantum. Vagrancy was always punished severely. This Ordinance made it possible for an indentured worker, found guilty of desertion of an estate for a couple of days, to be condemned to imprisonment of six to nine months.<sup>57</sup>

In the 1860s, several other

#### Reference 828 - 0.01% Coverage

##### 4: PART VII – INDENTURED IMMIGRATION

The Royal Commission recommended a complete reform of the Immigration Office in Mauritius and a regular and thorough inspection of sugar estates. The Secretary of State endorsed most of the findings and recommendations of the Royal Commission and instructed the Governor of Mauritius to revoke most of the harsh provisions of the Ordinance of 1867.<sup>64</sup>

Ordinance 12 of 1878 abolished

#### Reference 829 - 0.01% Coverage

by the planters.

#### Double Cut

All the Labour Laws stipulated the wage and ration levels and employers were strictly prohibited from employing any indentured labourer below the stipulated rates. However, the Labour Laws provided also for employers paying less than was legally stipulated through the 'double cut' or deduction of two days of wages for an absence of each day. This was primarily introduced to control illegal absence and habitual idling among the indentured labourers. This was practised by the planters as early as 1839<sup>69</sup> and obtained legislative endorsement in Ordinance 22 of 1847.<sup>70</sup> The planters' explicit authority in applying this 'double cut' without any reference to protective authorities such as Stipendiary Magistrates, was established by Ordinance 16 of 1862.<sup>71</sup> Rampant misuse ensued. In 1874, the former Assistant Protector of Immigrants in Mauritius, Robert Mitchell reported that 'double cut' reduced the wage bills by one third on good estates and one half on bad estates to what should have been actually paid to the labourers.<sup>72</sup> The Royal Commission also condemned it, describing it as a 'monstrous system'.<sup>73</sup>

The 'double cut' system remained

#### Reference 830 - 0.01% Coverage

Ordinance 13 of 1908.<sup>75</sup>

By the mid 1860s, it was becoming apparent that the overall system of maintaining labourers on estates was not cost-effective. The decade of the 1870s witnessed a period of improvements in some facilities provided to indentured labourers on the plantations – housing, medical, food and other provisions which added hugely to the costs of labour. In order to cut the costs, planters now shifted to employing labourers on short-term contracts, and that too through contracts, rather than engaging them directly on the estates. Under this arrangement, planters were not obliged to maintain labourers for the non-working part of their

#### Reference 831 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

the planters in coping with the demands of the industry at that time, but by the mid-1860s it was also becoming apparent that the overall costs of maintaining labourers on estates was not very cost-effective. The 1870s were also a period of certain improvements in facilities provided to the indentured labourers on plantations – housing, medical, food and other provisions which immensely added to the costs of labour. In order to cut costs, planters now shifted to employing labourers on short-term contracts, and that too through contracts, rather than engaging them directly to the estates.

Under this arrangement, planters were

#### Reference 832 - 0.01% Coverage

vagrancy' acquired new meanings in

the context of an Indentured Labour regime and the multiplicity of ways in which it was conceptualised and appropriated as a ploy to regulate the geographical and occupational mobility of labour. We have also tried to ascertain that the real intention of anti-vagrancy legislation was not the prevention of crime among the old immigrants,<sup>79</sup> as it was often promulgated by the colonial authorities, but to restrict their mobility away

from the estates, even after the completion of indenture, and therefore to ensure their availability for work on plantations by placing stringent legal constraints on old immigrants' efforts to move beyond the confines of plantations and the contractual obligations of indenture, so as to pursue a vocation of their choice.

We have also tried to

#### Reference 833 - 0.01% Coverage

marriages has not been registered.

In one respect, indenture and strict controls on mobility brought a certain measure of 'cultural and social stability'. Since movement on an estate was restricted, it led immigrants to mix with one another, irrespective of backgrounds, rear their children together, sit under the same tree to sing, talk, perform rituals etc. Their children played together as the women washed clothes in the same river. Despite harsh conditions, this type of 'cocooned' life was experienced on plantations.

New social institutions were thus

#### Reference 834 - 0.01% Coverage

##### OF INDENTURE IN MAURITIUS INTRODUCTION

Child labour in Mauritius was present in Mauritius since the early establishment of the island. During the period of the slave trade, children were also a commodity to be bought and sold. During the period of indentured immigration, many children accompanied their parents to Mauritius and some came as orphans. Officially, they did not come to work but many ended up doing estate labour or in domestic service.

At the beginning of indenture, many children were left on their own and wandered about with nothing to do. Later their own families made them work to earn a wage. The notion of 'childhood', as we know it today, was inexistent. A 'child' was officially according to the Blue Book of 1870 a person below 10 years of age. On the estate, many of these children were involved in minor field tasks such as picking up sugarcane stalks which falling off carts and bringing them to the sugar factory (Figure 61).

Figure 20: Wages of children

#### Reference 835 - 0.01% Coverage

to perform their agreement (...)."172

An increasing flow of Chinese immigrants occurred from 1840 to 1844, when emigration was temporarily suspended in India, and the Government turned towards the Chinese as a source of labour despite its past negative experiences with the latter. During that period, 8000 of Chinese landed in Mauritius, 3000 between December 1840 and July 1843 and 5000 up to 1844. The Chinese were then "seen as the saviours of the sugar economy,"<sup>173</sup> but cases of bad attitude and/or illtreatment were still very present. James Ng and Marina Carter (2009) remarked that in a few cases, they found that the Chinese were very little seen as victims but rather instigators of the disorder<sup>174</sup>, for example, the case of 18 Chinese working on the Queen Victoria Estate. The latter complained of ill-treatment on the part of an Indian "Sirdar" and a Creole overseer but were sanctioned to 8 days in prison and a salary deduction as it was reported that the Chinese behaved in a threatening manner. The behavior of the Chinese also made cohabitation an issue. An Estate manager in 1841 responded to a complaint made by the Chinese: "They are the worst introduction made into the Colony; they are very insubordinate, passionate and so lazy that the Indians have reproached them for their

idleness which has given rise to several disputes between them.”<sup>175</sup> In December 1843, “Ajee, a Chinese carpenter employed by Bestel in Plaines Wilhems complained of assault by a group of Indians.”<sup>176</sup> The hardship of the work meant that the Chinese did not remain long in that area. Some became vagrants; many were sent back to their country of origin, and others still left Mauritius for other countries such as Reunion Island and/or went to urban areas to perform skilled work where wages were higher. The resignation of the Chinese is possibly due to the drop of wages for Estate labourers, the lifting of suspension of emigration from India and also the fact that Chinese labourers had a background of artisanship, craftsmanship and urban work<sup>177</sup>.

#### 3.4 Chinese Presence in

#### Reference 836 - 0.01% Coverage

between these two local communities.

Their commerce expanded through rural, as well as urban areas. By the 20th century the Chinese population was geographically well distributed. “The network of village and estate shops was so extensive that small groups of Chinese were presented in almost every hamlet on Mauritius.”<sup>186</sup> They would engage in various activities but retail trading remained the most prominent (table 4).

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#### Reference 837 - 0.01% Coverage

were capable of human agency.

#### 2. The Liberated Africans on Charles Telfair’s Bel Ombre Sugar Estate

Charles Telfair was a British

#### Reference 838 - 0.01% Coverage

planter ever since 1814. <sup>216</sup>

Barely three years after arriving in Mauritius, Telfair had only one male apprentice, namely Henry Chaloupe. In 1818, when he purchased Bel Ombre estate, along with his business associates, there were 40 apprentices, 35 males and 5 females in his service. However, during the course of the same year, 14 apprentices died, 12 males and 2 females. Furthermore, with the exception of Henry Chaloupe, a time-expired Liberated African of Malagasy origin, Damihiti, a male apprentice, who was indentured in October 1814, was the longest serving Liberated African who was assigned to Telfair. By October 1828, Damihiti’s apprenticeship was scheduled to come to an end and he continued to work for Telfair just like Henry Chaloupe.

Telfair had accepted apprentices whose

#### Reference 839 - 0.01% Coverage

personal servant in Port Louis.

In 1814, he was sent to work on Bois Chéri Sugar Estate where he saved enough money to purchase the freedom of Françoise, a Malagasy slave woman. She also became a Christian and got married to Henry and soon after, gave him a daughter. Françoise was also employed as a housemaid by Telfair. Unfortunately, she passed away in 1818 and barely a year later, Henry Chaloupe purchased the freedom of Arsenne, another

Malagasy slave woman, who became a Christian and got married to him. In 1829, Henry was still married to her and they had several children. The first child of Henry was also baptized as a Christian and was educated at Bel Ombre Sugar Estate.

In 1819, Chaloupe was moved from the estate of Bois Chéri to Bel Ombre Sugar Estate which had recently been purchased by Telfair and some of his close associates. Telfair employed him as an 'économe' or a junior administrator and gave him a pay increase. Henry was again relocated to Beau Manguier Sugar Estate where by the late 1820s, he became 'chef sucrier', in charge of sugar production and supervised a large number of slaves. He also owned his own house as well as a slave. He earned a salary of around £60 per year and enjoyed other privileges. On 3rd January 1825, his 14-year period of apprenticeship came to an end and Telfair requested the Collector of Customs to give him his Act of Freedom. However, four years later, in 1829, Henry Chaloupe was still working for Charles Telfair as the head of sugar production at Beau Manguier. It becomes evident that out of all the Liberated Africans who were landed and apprenticed in Mauritius, Henry Chaloupe's story is the most successful account of a Liberated African who achieved social mobility and social integration in early 19th-century Mauritius during the slavery era.

### 3. The Case-Study of

#### Reference 840 - 0.01% Coverage

Louis in December 1825.)229

On 21 June 1825, Fritz, a 30-year-old maroon Government apprentice of Mozambican origin, was captured along with four other maroons by Edouard Vinay, a Police Officer, and a special maroon catching unit on Telfair's Bel Ombre Sugar Estate. Fritz was a former apprentice of Désiré Carosin and the leader of a small, but notorious, maroon band in the District of Savanne. He had been a maroon for more than two years and was always armed with a big stick and knife. His five followers were Lazare, a slave who belonged to Charles Telfair, Cotte, Jérôme and Hector, and Edmond.

Between January 1824 and June 1825, Fritz and his gang operated mostly in the Western part of the Savanne District, notably near Bel Ombre Sugar Estate, Baron d'Unienville's estate, Ruisseau des Créoles, and Montagne des Signaux de la Savanne. They were responsible for a number of thefts and numerous nocturnal raids on several sugar estates. Their diet consisted of beef, 'tandrac', eels, shrimps etc.

According to local Colonial Officials

#### Reference 841 - 0.01% Coverage

proposal to the Council were:

1. Schools should be opened in the most convenient localities for the use of one, two, or more Estates as the case may be;
2. As the medium of

#### Reference 842 - 0.01% Coverage

setting up schools on the

plantations because it reduced the financial burden on planters in running schools for the children of labourers which they were most hesitant to do, for its 'non-productive' implications. Adolphe de Plevitz, who was trying to secure a fair treatment for the immigrant labourers while maintaining a school on his estate for the children of Indian immigrants, was very much concerned with their education as well

because he envisaged education as a vehicle of socio-economic emancipation and strongly believed that education would give the children the opportunity of improving themselves so as to be able to cope in their adult life in Mauritius.<sup>264</sup> He raised the issue of inadequate educational arrangements for the immigrant labourers on estates in the press and before the Royal Commission. He underlined the lackadaisical attitude of the Colonial Government which had not taken a single legislative initiative to promote education among the children of immigrant labourers and a lack of qualified teachers for the Indian schools.<sup>265</sup> The derisory arrangements of education for the children of Indian labour Diaspora were validated by the Royal Commission also. Royal Commissioners reported that 'the education was deplorably low among all classes of Indian population' and out of nearly 40,000 Indian population between the age of five and fourteen years, not more than one thousand were attending schools, and even among this infinitesimal number of school going children, the proportion of girls was negligible.<sup>266</sup> In spite of expressing serious concerns over the deplorable condition of education for the immigrant children, Royal Commission did not make any concrete suggestions for the setting up of a comprehensive education system. At the level of a vague suggestion, it recommended for 'some system of compulsory education' for the children up to ten years of age.<sup>267</sup>

## 2. DEVELOPMENT OF INDIAN EDUCATION

### Reference 843 - 0.01% Coverage

receive funds from the Government.

These provisions were reiterated again in the 1902 Code of Education. At long last, a tentatively organised and most importantly free education system was brought into being by 1910. Protector of Immigrants, J. F. Trotter, spoke before the Sanderson Committee stating that 'free but not compulsory education should be given to all, and there ought to be a school near every estate.' However he also admitted the limited reach of the education, that it was accessed only by the better class of the Indians.<sup>279</sup>

By 1880, there were 42

### Reference 844 - 0.01% Coverage

according to the Committee, was

in starting schools on the estates, which was not being implemented due to the financial pressure.<sup>281</sup> Truth and Justice Commission 266

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### Reference 845 - 0.01% Coverage

education among the Indian diaspora:

"In fact the bulk of Indo-Mauritian population do not attend any school. They are not allowed, to idle away their time. They are educated by labour, either being employed in field work – each estate having a numerous young 'chokras' (boys) – or made to assist their parents in their various pursuits and trades; or again, trained as domestic servants or cooks. These remarks apply exclusively to boys, as the girls stay at home, and married at an early age."<sup>283</sup>

This memorial was also very

### Reference 846 - 0.01% Coverage



instead of educating more.<sup>286</sup>

These views of Trotter were shared by Manilal Doctor who also conceded to the fact that with some education, the youths would find it degrading to do manual work and eventually get into bad company and commit crimes.<sup>287</sup> However, this should not lead us to the conclusion that Manilal Doctor was against education for the children immigrant labourers per se. Basically his criticism was targeted at the particular kind of education which was provided for the Indians in Mauritius and in the same deposition he demanded for more schools for the children of Indian immigrants closer to the estates or on estates because of difficulties they were facing in traveling long distances (5 or 6 miles) to attend school. He also criticised learning two foreign languages, English and French, and demanded that apart from English which should be the principal language, students should be allowed to choose between French and an Indian language.<sup>288</sup>

Further, in Mauritius, education was

#### Reference 847 - 0.01% Coverage

were going to school.<sup>297</sup>

An almost similar story appears in an official report presented to the Government of India in 1915. James McNeill and Chiman Lal made a detailed enquiry about the conditions of Indian immigrants in Trinidad, British Guiana, Jamaica, Fiji and Surinam.<sup>298</sup> For Trinidad there were schools within one to miles away from every estate.<sup>299</sup> In British Guiana, schools were very close to estates and in fact, the majority of estates had schools on site. Of the total children of school-going age about  $\frac{1}{3}$  were attending schools.<sup>300</sup> For Jamaica, also, about more than  $\frac{1}{3}$  of children among the Indian community were going to school.<sup>301</sup> The level of education was remarkably high among the Indian immigrant population in the Dutch colony of Surinam where more than  $\frac{1}{2}$  of the total children of school-going age were attending schools.<sup>302</sup> Only for Fiji did they report that education among the children of Indians was not satisfactory, and that few were attending schools. According to this report, the primary reason for such higher levels of education among the children of Indian population in these colonies were primarily the encouragement of the colonial governments and the estate owners.

Now let us look at the figures for school-going children among the Indian community in Mauritius. According to the Annual Report of the colony for year 1908, only 7,000 children of Indian parents were going to school when the total number of children of school going age was between 50,000 to 60,000 which means that only about 12-14% children were attending schools even at the beginning of 20th century. <sup>303</sup> In the case of Mauritius, schools were not very close to the estates, often five six miles away,<sup>304</sup> which made it very difficult for the children to walk such long distances (there was no other means of transport available to that class at that time) just to attend school.

Moreover, there was general

#### Reference 848 - 0.01% Coverage

District to the Colonial Secretary.

16 Letter of W.W.West, owner of Vale Sugar Estate, to George F. Dick, Colonial Secretary, June 27rd 1836, in MNA:RC, Petitions on Indian Immigration, 1836-1837; MNA:RD 10, West's Answers to Queries on Indian Immigrants, June 1836.

17 MNA:RD 11, Minutes

#### Reference 849 - 0.01% Coverage

##### Labour

##### Ordinance 31 of 1867.

53 Hay to Colonial Secretary, dt. 3 May 1855, PP Vol. XLII, No. 2050, p. 178. 54 PRO: CO 167/184 Gomm to Grey, dt. 3 July 1847 55 Report Rawson Committee. 56 Report of Royal Commission, 1875, p. 333. 57 Report of Royal Commission, 1875, p. 332. 58 MNA: Annual Report, Protector of Immigrants, 1862. 59 MNA: SD 93/338 Barkly to Duke of Buckingham, dt. 30 December 1867. 60 Ibid., enclosure 1. 61 PRO: CO 167/501, Report of J. Douglas, Acting Procureur and Advocate General. 62 Note on Emigration from India by J. Geoghegan, 1873, p. 88. 63 Report of Royal Commission, 1875, Chapter IX. 64 Report of Royal Commission, PP, Vol. XXXIV, No. C1115, 1875. 65 OIOC : Papers respecting East Indian Labourers Bill, pp. 219-220. 66 Green and Schmidt p. 250. 67 Article 26 of Ordinance 31 of 1867. 68 Article 169, Ordinance 12 of 1878. 69 Report of T. Hugon, dt. 29 July, 1839, PP, Vol. XXXVII, No. 331, 1840. 70 Green and Schmidt. 71 MNA: SA 76/794 Ordinance 16 of 1862, Encl., Newcastle to Stevenson, dt. 11 October 1862. 72 Report of R. Mitchell, dt. 21 July, 1874, cited in Tinker, Hugh, A New System of Slavery, p. 189. 73 Report of Royal Commission, 1875, Chapter XVII, pp. 284-329. 74 Articles 113, 114, Ordinance 12 of 1878. 75 Report of Sanderson Committee, 1910, Pt. III, p. 105. 76 Métayage was a form of share cropping in which large sugar estates were divided and leased mainly to the former agricultural labourers, and it still employed a significant degree of immobility because métayers or cultivators were tied to the particular estate. Morcellement was a more open system in which the subdivided estates were sold to the old immigrants who used the land for cane cultivation as well as to grow vegetables etc.

##### 77 Report of the Protector

#### Reference 850 - 0.01% Coverage

##### Justice Commission to facilitate analysis.

120 MNA:B2/IR Report of Mitchell on Wolmar estate/1872 121 MNA:B2/ Blue Book 1870. 122 Ordinance 1908 - The Labour Law Amendment Ordinance. 123 Marina Carter, Servants, Sirdars and Settlers, Indians in Mauritius, p. 252. 124 MNA: B2/PIR/1870. 125 Ibid. 126 MNA: PB series 14 Letters sent - Superintendent Powder Mills. 127 MNA:PB series 14 Letters sent, p. 79 No. 10. 128 Carter et al, The last slaves, p. 89. 129 MNA: RA series 1847 Letters received from the Orphan Asylum, No. 439. 130 MNA: Blue Book 1864. 131 MNA: RA series 2300 Letters received from the Orphan Asylum, No. 860. 132 Ibid. 133 MNA:RA series 1847 Letters received from the Orphan Asylum/No. 2712. 134 MNA:B2/PIR/1876. 135 MNA: B2/Blue Book 1864. 136 MNA: RA series 1847 Letters received from OA, No. 3250. 137 MNA: RA series 2041 Letters received from the Orphan Asylum. 138 MNA: B2/pir/1876. 139 Lynn Pann, The Encyclopedia of the Chinese Overseas Second Edition (Chinese Heritage Centre, Editions Didier Millet, 2006), p. 48.

##### 140 Kuhn Philip. A, Chinese

#### Reference 851 - 0.01% Coverage

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## Reference 856 - 0.01% Coverage

and racial hierarchy was established.

A turning point was reached in the 1830s with the legal abolition of slavery and the importation of indentured labour from British India. Not only the trauma of slavery, but also the harsh conditions of apprenticeship and of abolition contributed to the leaving of sugar estates by ex-enslaved people. They were paid very low wages based on those of indentured labour and they lost the housing facilities and the land which they had been cultivating for decades. They could not reconcile their newly-acquired 'legal'

freedom with their loss of basic necessities like land and housing. They were excluded from the new Capitalist System, and most of them earned a meagre living by fishing with primitive equipment and by working as stevedores, drivers and artisans. Many were somewhat permanently unemployed, forming a lumpen proletariat living on the margin of the plantation (sugar) economy.<sup>2</sup>

Moreover, the subservience of the

#### Reference 857 - 0.01% Coverage

Dupon<sup>20</sup>, the growth of speculative establishment, at the Ile de France, of relatively permanent estates and plantations. Bourbon, this never became a feature of French settlement.

transactions thwarted the Unlike at

#### Reference 858 - 0.01% Coverage

lastly, in an attempt to compensate for a lack of labour on sugar estates following Emancipation, the last type of labour introduced was indentured labour, mainly from India. The unwaged coercible labour of the enslaved peoples was the driving force in wealth creation during the dramatic transformation in sugar production in this period.

3.3.2 Labour of

#### Reference 859 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

clearly demonstrated that the expansion of the Sugar Industry was solely responsible for unrelentlessly causing much suffering to the enslaved peoples working on sugar estates through overwork, severe treatment and punishment, bad food supply and an 'unrelenting discipline'.

We shall, instead, highlight the

#### Reference 860 - 0.01% Coverage

Port Louis, they were sent straightaway to the sugar estates of the planters who recruited them. According to H. Ly Tio Fane Pineo, the labourers felt cheated because they had a meager salary and were assimilated to slaves. The labourers protested openly against their working conditions and left the cane fields.

The

Government had no alternative

#### Reference 861 - 0.01% Coverage

to cover the costs involved.

Following this experiment, the planters sought and obtained the participation of the Government in the recruitment of indentured labourers from British India; the contracts would be signed before a Magistrate

by the parties concerned. That would ensure that especially the indentured labourers would abide by the terms of the contract and, in particular, that the labourers did not change the sugar estate owner who engaged them in the first instance.

In the end, British planters

#### Reference 862 - 0.01% Coverage

the colonies of the Empire.

The impact of the tariff equalization was enormous: the rapid expansion of the Sugar Industry, the flow of capital from British credit houses and merchant companies and the resulting investment in machinery and new technology. The Planter Class, conscious of the fierce competition for sugar in the British Empire and on the world market, was ready to attract British capital by mortgaging its sugar estates. A. d'Épinay wrote in his memo to Lord Goderich:

"Une quantité considérable de machines

#### Reference 863 - 0.01% Coverage

sont parvenus à s'acquitter."<sup>73</sup>

In addition, there would be a fair number of British traders and businessmen who moved to Mauritius, becoming involved in various economic activities: internal trade, shipping, buying sugar estates, etc. They would join the Merchant Class of French colons and of Coloured People. It is of importance to note that there was already a Merchant Class of Indian origin, mainly South Indian, since the days of French colonialism; by the beginning of the 19th century, and during that same century, there would be another flow of Indian merchants from Gujarat and Bombay. They were involved in internal trade and external trade, especially trade with India. Some of these two strands of traders would be able to accumulate sufficient capital to become major owners of immovable properties, in particular, of sugar estates as well as money lenders.<sup>74</sup>

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#### Reference 864 - 0.01% Coverage

slavery 3.5.1 Introduction

To understand the various issues concerning abolition of slavery, and the way people would react to them, it is important to recapitulate the social forces in Mauritius involved at that time. There was the British Colonial State in Mauritius and the British Imperial Government; the Planters Community were predominantly French, with some British planters. Moreover, there was an important presence of the British traders or financiers either through a company in Mauritius, representing their interests or through an office set up in Mauritius, and they provided credit to the planters to such an extent that around three quarters of the sugar estates were effectively owned by them in the early 1830s;<sup>79</sup> there was the labour of the numerous enslaved people, and finally the Free Coloured People.

The process leading to the

#### Reference 865 - 0.01% Coverage

plantations in Mauritius. Douglas Hall,

"By 1842 the immediate reactions of both planters and ex-slaves to the emancipation had occurred, and although some measure of stability had been achieved in labour relations there was general complaint on the part of employers of the scarcity, the unreliability and the high price of estate labour."<sup>88</sup>

The evidence provided by the

#### Reference 866 - 0.01% Coverage

desire to preserve their freedom.

Thus, almost all the ex-slaves remained on the estates of the planter Henry Barkly in British Guiana. <sup>89</sup>

Further, the emancipated enslaved peoples

#### Reference 867 - 0.01% Coverage

was told by the negroes

on Highbury estate, when I went there, that it was all nonsense that the Queen made them free without giving them a free house and land, and they called upon me to carry out that proposition, by giving up the houses and grounds."<sup>90</sup>

Similarly in Jamaica, the evidence indicated that whenever labour was not coerced by imposing rent and was being paid regularly reasonable wages, there was the availability of continuous labour on the sugar estates.

In Mauritius, there was no

#### Reference 868 - 0.01% Coverage

of organisation of sugar property.

According to 1832 Census of slaves, out of some 2,605 estates in Mauritius, 1,424 of them, which contained some 8,370 slaves, were not agricultural. 38,594 slaves lived on some 1,036 agricultural estates, of whom around 26,000 lived and worked in as slave-and sugar-related environment. The rural environment was characterised by a few large estates surrounded by a large number of smaller estates, some growing sugar cane, others not, but all linked to the larger sugar estates for jobs and services. The poorer French colonists looked forward to the owners of the larger estates to provide leadership or to obtain the protection which they needed in the rural districts where the colonists lived in "a state of continual disquietude and hostility from runaway slaves".

The development of sugar cane

#### Reference 869 - 0.01% Coverage

large number of establishments. Sugar

cane was grown on numerous estates which were of different sizes. On account of the investment required and expenses involved, sugar cane could only be profitable on large sugar estates. Generally, estates with a large supply of slave labour concentrated on sugar cane cultivation which was the most labour-intensive crop. Sugar cane cultivation and slave-ownership went hand in hand. In 1830, only 74,839 of 272,022



inventoried arpents of land were under cultivation. There was still, at that time, a considerable amount of undeveloped land.

The advent of sugar cane resulted in the disappearance of small landowners and led to the creation of large sugar estates.

Landownership soon came under the

#### Reference 870 - 0.01% Coverage

attack.

The creation of the

post of Protector of Slaves caused much outrage and turmoil in the island. The colonists were of the opinion that this measure would give the slaves, with the backing of the British Government, a powerful instrument to challenge the right of their masters over them. Besides they feared that this would aggravate the problem of absenteeism on estates at a time when maroonage was still a serious and endemic problem, as it would provide slaves with an excuse to leave the estate to present their grievances before the Protector. By the early 1830s, the feverish debate surrounding the Amelioration laws and problems of communication in a rumour prone society accentuated the apprehension and nervousness of the colonists and fuelled a state of ferment in the colony. In 1831, Goderich the British Under-Secretary of State expressed his concern that Governor Colville had not bothered to report on the disturbed state of the colony.

#### 4.1.3 Slavery and

#### Reference 871 - 0.01% Coverage

##### 1.3 Slavery and Maroonage

In the reports and accounts of the structure and organisation of the early sugar plantation society in Mauritius, relatively little is said about the conditions and way of life of the slaves. Yet, they constituted the bulk of the population and in 1820, outnumbering the white population by the ratio of 10:1. Most of the slaves were confined to the estates.

estates and were thus isolated from the members of the 'free population'. constraints and restrictions placed on them, they influenced the island society in several ways.

In 1832, 56% of the

#### Reference 872 - 0.01% Coverage

from that of their owners.

The conditions of slaves differed from estate to estate and region to region. The common factor that bound them together in the struggle against the harshness of their condition was the constant pressure and coercion which was applied on them in the execution of their tasks and the hardships which they endured at work and in their life on the estate. Slave-owners who were often strapped financially sought to maximise the amount of work which they could extract from their slaves. The policies pursued by their owners in the treatment of their slaves resulted in high death rates among the slave population and contributed to their short stressful life.

Slaves did not take lightly to the conditions of their life on the estates. According to Teelock, Mauritian slaves, like those of other plantation colonies, had to endure harsh living and working conditions as well as the constant threat of physical and psychological abuse.

power systems, Teelock argues that

#### Reference 873 - 0.01% Coverage

apprehended every year for desertion.

Some of the slaves, once they were emancipated, abandoned field work and left the estates. They were granted squatting facilities by the Government. Some drifted to Port Louis and others settled

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#### Reference 874 - 0.01% Coverage

Fall of the Former Apprentices

Mauritian historians have given a good account of the "Grand morcellement" of the 1880s but much less it's known or reported about what Allen calls the "Petit morcellement" of 1839-1859. The "Petit morcellement" refers to the subdivision of established estates following emancipation.

The "Petit morcellement" arose from the general desire of the former slaves to acquire land and thus to affirm their emancipation from their former servile status. The process, which began in earnest in 1839-40, accelerated rapidly in 1841 and 1842 when the number of sales of estate land seemed to have reached its peak. The "Petit morcellement" may be seen as an outgrowth of the turmoil of the post emancipation situation.

It remained an important aspect

#### Reference 875 - 0.01% Coverage

aspect of colonial life until

1846. Most of the estates comprised at the time large areas of uncleared and unused land. In 1830, only 74,839 of 272, 022 inventoried arpents were under cultivation.

The most pressing problem of Mauritian planters was the need to deal with the loss of a substantial portion of their labour force. It was against a backdrop of a severe, and possibly long-term, labour shortage that estate owners began to contemplate the subdivision and sale of part of their property. It was also an attempt on the part of the authorities to bring some order in a seemingly chaotic situation. After 1835, there was a precipitous decline in the size of the apprentice and exapprentice population.

In 1836, at least 1

#### Reference 876 - 0.01% Coverage

one-fifth of one district's

apprentice population had abandoned their homes and former masters within several weeks of acquiring their freedom. Large numbers of ex-apprentices occupied land after their emancipation often near the estates where their presence was perceived as a threat to public order and to the estates' economic viability.

The socio-economic realities of

#### Reference 877 - 0.01% Coverage

of Colour.

As an early

solution to the labour crisis faded in 1840, estate owners moved to protect their interests. Hence, their attempts to bring back the ex-apprentices and tie them to the land through the "Petit morcellement".

According to Allen there is

#### Reference 878 - 0.01% Coverage

Gomm to Stanley in 1846).

There, is thus, a need to examine the "Petit morcellement" in the light of the financial problems that many planters had to face at the time. There was a strong speculative element in early morcellement activity. The financial incentives to subdivide an estate could be considerable. The subdivision of estate land yielded returns of 100-200 percent on the original investment for both large and small land owners. The involvement of the Coloured Population in the "Petit morcellement" became especially pronounced after 1842, precisely at a time when the sugar industry's problems would have made tapping into the substantial financial resources held by some members of the Coloured Population an alluring option for many planters. The labour and liquidity crisis of the 1830s and 1840s promoted, not only the parcelling of estates, but also the rise of a class of ex-apprentice gardeners and farmers. There were, in that connection, diverging opinions in official quarters at the time on the activities and contribution of the former apprentices in the island's social and economic development. The standard view in many circles was that these individuals remained "ignorant, lazy and given to hedonism". On the other hand, Governor Gomm, in 1846, expressed the opinion that the former apprentices had become "a thriving and improving class of the colonial population". Some independent observers were equally impressed by the social and economic promotion of the former apprentices. The ex-apprentices small holders could be counted among the 30,000 Persons of Colour forming a middle class and fast rising in wealth and consequence. 95

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#### Reference 879 - 0.01% Coverage

ever handled a hoe. But

the planters were generally so satisfied with those early immigrants that they declared that they would not keep a single apprentice on their estates, if they had the choice.

From 1836 to 1839, according

#### Reference 880 - 0.01% Coverage

130 during the same period.

This expansion in capacity and the increased capitalization of sugar estates required a corresponding increase in production and

#### Reference 881 - 0.01% Coverage

were given rations.

It was

estimated at that time that an indentured labourer costs the estate Rs. 10 to Rs. 11 per month (inclusive of the cost of rations). Between 1834 and 1838, planters in the island spent £200,000 for the private introduction of Indian labourers. In 1839, the Apprentice System was repealed. In that same year, India suspended emigration to Mauritius following a public outcry in both Britain and British India over reports of the exploitation to which these early immigrants were subjected and abuses in the recruitment and transportation of labour, which raised in British public opinion the spectre of a new slave trade.

As a result from 1840

#### Reference 882 - 0.01% Coverage

any new canes could be

planted, heavy field work on estates was abandoned and sugar production dropped from 42,000 tonnes in 1840 to 27,500 tonnes in 1842.<sup>98</sup>

The planters reacted quickly in defence of the indenture system and to safeguard their investment. According to M. Carter, they had the support of some influential personalities from British India who stressed the destitution of indentured labourers in their own 'overstocked country' and upheld the notion that all parties would benefit from the indenture system. With the resumption of immigration in 1843, most of the sugar estates had to be extensively restored at any expense. Those estates did not return to full production until 1845.

In 1843, Government began subsidizing

#### Reference 883 - 0.01% Coverage

residence" in the island.<sup>102</sup>

In practice, the scheme was a failure. The engagements at the Depot led to violent competition between estate sirdars bidding against each other for labourers. Wages were bid upwards by the fierce competition between planters to re-engage workers as their annual contract expired.

No

consistent policy for allotting

#### Reference 884 - 0.01% Coverage

their annual contract expired.

No

consistent policy for allotting immigrants ever seems to have been formulated or implemented, and many planters took advantage of loopholes in the regulations, competing openly against each other for new immigrants, raiding each other's estates for labourers and eventually dispatching their own agents to India to recruit workers.<sup>103</sup>

The result of this situation was a considerable disorganization of the labour supply on estates. The one year contract of service produced a high turnover of labour; absenteeism on estates reached a high figure. An official committee in 1846 published statistics which give an idea of the unsettled condition of labour on estates.

The Committee reported that there were, at that time, 52,000 Truth and Justice Commission 333 In 1847 he lamented to the Colonial Secretary on On estates, one-year contracts replaced the former five-year terms. These

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#### Reference 885 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

immigrant labourers in the colony of whom 35,000 were employed in agriculture: desertion, absenteeism and sickness further depleted the number of workers and the effective number of hands on estates was only 25,000. This figure was only slightly larger than the number of slaves employed on estates before emancipation, whilst between 1830 and 1846, the Mauritian sugar crop had increased by 47 percent.<sup>104</sup> Certain events at the time

#### Reference 886 - 0.01% Coverage

increase in the representation of planters in the Government Council, an increase in the annual intake of labourers and an increase in the contract length of service from one year to three years. In 1849, three-year contracts were legalized and as a result labour supply conditions on estates improved markedly.  
4.2.3 The role

#### Reference 887 - 0.01% Coverage

the duty on rum.<sup>106</sup>

In 1852, the Government of India finally acceded to a long-standing request of Mauritian planters that a free return passage should in future be granted only in special circumstances. This measure, it was believed would create a resident agricultural labour force and eliminate the unsettled condition of labour on estates. In 1852, estates were also allowed to recruit immigrants in excess of their official quota. The following year (1853) private recruiters from individual estates were licensed to operate in India

#### Reference 888 - 0.01% Coverage

solution to the problem.”<sup>107</sup>

These sentiments were repeated in their Annual Reports by Higginson’s successors, Stevenson and Barkly. In 1858, Stevenson described Indian immigration as “the generator of agricultural prosperity”. Barkly, eight years later, observed that the island’s commercial, as well as agricultural, interest had been maintained and enhanced by the introduction of Indian immigrants. The removal of previous restrictions on recruitment brought 174,000 new immigrants to Mauritius between 1852 and 1860. Employers paid the full cost of immigration. contracts were reestablished for agricultural labour on estates. Finally in 1852, five-year

#### Reference 889 - 0.01% Coverage

the Mauritian population.

Regular large

intakes of immigrants were justified by sugar planters on the basis of the loss of time-expired labour and the high absenteeism among indentured workers. As a result, in the course of the first four decades of indentures, the Local Government obtained the consent of the Metropolitan authorities to a series of concessions and measures which tended to increase the supply of Indian workers in Mauritius, whilst seeking to restrict the workers' right to leave the estate to seek more lucrative employment elsewhere.

Under the indenture system, Indian immigrants in Mauritius were isolated for a time from the rest of the society in which they had been implanted. This may account for the absence of major racial friction in the 1840s and 1850s so long as the large majority of immigrants in the island were still serving their five years of industrial residence on estates. The special regulations which governed the relations between slaves and the free population in the island persisted to some extent under the indentures.

The Ordinance of 1827 had

#### Reference 890 - 0.01% Coverage

non-Indians were exempt.<sup>108</sup>

According to Allen, the 1860s were a turning point in the history of the Mauritius Sugar Industry which saw an extensive restructuration of the Industry with the parcelling out of large tracts of land on some estates and the merging of other estates into larger financially more viable units.

In

the throes of a

#### Reference 891 - 0.01% Coverage

financially more viable units.

In

the throes of a severe agricultural crisis in the 1880s, sugar estates were under pressure owing to the low sugar prices, scarcity of capital and adverse internal circumstances. That period saw the substantial acquisition of sugar property by Indians and the emergence of Indian cane farmers who would play an important role in the future development of the Mauritian Sugar Industry.<sup>109</sup>

The 1860s saw a dramatic decline in the number of New Immigrants in indentured service and a corresponding increase in the number of Old Immigrants working under contract on estates. In 1861, New Immigrants accounted for almost 40 per cent of all contractual workers. decade, they made up only 15 per cent of the sugar estate work force.

By the mid 1870s, the

#### Reference 892 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

For some thirty years, the segregation of the Indian labourers on estates remained virtually unchanged the social organization of the island's community. But when a large proportion of immigrants, after completing their period, left the estates, there began a process of evolution which brought in time a profound change

in the structure of the island's community and determined to a larger extent the future development of the Sugar Industry.

#### 4.2.4.2 Insalubrious

##### Reference 893 - 0.01% Coverage

down prices of colonial sugar.

the abandonment of several estates, twenty estates were sequestered and had to be sold. As a result, a large number of labourers lost their employment.

In 1866, a severe drought

##### Reference 894 - 0.01% Coverage

persons for the night.<sup>112</sup>

On the sugar estates according to North-Coombes, "Indians lived in filthy and overcrowded camps. Their huts were poorly constructed, the 'cases' low and narrow having more the aspect of pigsties than of human habitations". By way of shelters, they provided no protection against the cyclonic gales which struck the island during the summer months.

scarcely a dependency or hut

##### Reference 895 - 0.01% Coverage

Central Districts of the island.

The difficulties of 1864 to 1868 reversed the brisk demand for labour which had prevailed during the preceding decade. Sugar cane cultivation was restricted on several estates; on others, it was given up altogether.

Recruitment of labour in British

##### Reference 896 - 0.01% Coverage

The Labour Law of 1867

From the Sugar Industry's point of view the problem created by the Old Immigrants contained one main element: how to persuade immigrants to re-engage on estates once they had completed their period of industrial residence. From the Government's point of view, the problem was the smooth and successful integration of a large immigrant class into the existing structure of the island's society. The Labour Law of 1867 tried to deal with both aspects of the problem.

Governor Barkly wrote that this

##### Reference 897 - 0.01% Coverage

by the local press generally:

"We do not think that there would be any large demand for fresh labour if the Government were to adopt stringent legislative measures to face the thousands of Old Immigrants to earn their livelihood in place of

continuing to permit them to agglomerate with their more industrious comrades to the danger of public security and public health [...]. Something must be done, not to force idlers to work, not to coerce Old Immigrants into engagements on estates, but to induce them to accept regular employment [...]"<sup>115</sup>

A general registration of Old Immigrants in the island was decreed under the Ordinance (Arts 43-49) and a 'pass system' introduced. Passes were required of Old Immigrants, not employed on estates. To obtain a pass, the old immigrant declared "his place of abode and occupation, employment or other means of subsistence".

Under the Pass Laws, many

#### Reference 898 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

The ordinance of 1867 brought all Old Immigrants, not living on estates, under the control of the police. These harsh and repressive measures must, however, be seen in the context of the lack of organization and distress, which followed the outbreak of malaria in 1867; they may be explained to some extent, but hardly justified, as a means of controlling "those loose roving bands" who moved from place to place in search of work and crowded into the towns and villages all over the island.

The result of these measures was to drive back Indians to the estates, the proportion of Indians living on estates rising from 48 per cent of the total Indian population in 1867 to 58 per cent in 1870. Yet, in spite of the stringent enforcement of the new Labour Law, the number of labourers working on estates does not show any increase over that period.

#### 4.3 Banking and Finance

#### Reference 899 - 0.01% Coverage

additional labour was sorely lacking.

It was estimated, in 1828, that an estate of 560.8 arpents with a mill and 125 slaves cost \$31,250, a price that few could afford.<sup>117</sup> A large part of the increase in sugar production had been undertaken and sustained on borrowed capital. Most estate-owners had sunk all their funds in the acquisition or expansion of their estate which left them with little capital to defray the running costs of the estate. The reliance upon personalized forms of industrial organization made many planters dependent on short-term credit for their operating expenses.

The chronic shortage of working capital and the fragility of estate finances led to a situation in which loans were raised by planters from sugar brokers or 'bailleurs de fonds' to cover their operating expenses.

These loans were guaranteed by

#### Reference 900 - 0.01% Coverage

crop but the crop proceeds

depended on the vagaries of the weather and fluctuations in the price of sugar. The 'bailleurs de fonds' were usually local merchants or produce brokers who possessed substantial liquid capital resources of their own and good credit with the local banks. They provided planters with shortterm credit and acted often as the town agent for the estate providing it with supplies and money and selling the crop.

The Industry's development depended, to a large extent, on the structure of estate ownership and the system of crop finance.



Throughout the 19th century, the

#### Reference 901 - 0.01% Coverage

the Mauritian sugar industry consisted

largely of individual or family-owned estates, and the structure of ownership remained highly personalized even after more advanced forms of industrial organization such as limited liability companies, began to be introduced during the 1880s. This reliance upon personalized forms of industrial organization limited the financial resources available to planters and made them dependent on short-term credit for their operating expenses even in boom times. The fragility of estate finances and the chronic undercapitalization of the Sugar Industry were a source of constant concern to the British Government and local planters.

Following the example of Farquhar

#### Reference 902 - 0.01% Coverage

an idea of the sums

required in order to finance the expansion of the Sugar Industry. The bulk of these funds in the 1830s came from domestic sources and were provided by local businessmen who had made their wealth previously from commercial operations. Many of them owned substantial assets. In order to take advantage of the sugar boom, following the passing of the Mauritius Trade Bill, they diverted substantial amounts of funds from commercial operations, which were now in decline, into the creation or acquisition of sugar estates.

4.3.2 Interbank Rivalry

#### Reference 903 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

In 1848, four of the five London houses which financed a large part of the island's sugar crop were bankrupt. These houses provided the working capital of a large number of estates on the security of the product of these estates which was consigned to them in London. The failure of those great "millionaires" caused dismay in the island and for a time paralysed trade causing the ruin of thousands in an unfortunate and misgoverned colony". Sugar property in the island became, for a time, practically valueless.

The governor was authorized to

#### Reference 904 - 0.01% Coverage

by the Mauritius Commercial Bank.

Several parties blamed the failure of the British firms connected with the island and the distress of the industry "on the almost universal error of compromising two to three times the needful amount of capital on the price of a sugar plantation". The weight of mortgage debt borne by estates arose, in large part, from the established practice in Mauritius of lending money to the sugar estates on the security of the standing crop "just as money is invested in Britain in saving banks and railway shares". The crash of 1848, however, had also other more fundamental causes.

The following extract is taken

#### Reference 905 - 0.01% Coverage

##### High Prosperity in the 1850s

The crash of 1848 resulted in the write-off of the debt of several estates. But a substantial part of the capital invested in the Industry was not wasted where these investments had been used to purchase more powerful factory plant and to finance improved agricultural practices.

In 1848, although the principal British merchants connected with the island were bankrupt, the estates were generally in good working condition, complete with machinery and buildings. Output which had fallen to 34,286 tonnes in 1839 reached 61,247 tonnes in 1846 and 63,339 tonnes in 1849.

The local

French planters would

#### Reference 906 - 0.01% Coverage

tonnes in 1849.

The local

French planters would become 'effective' owners of the sugar estates and factories, by buying at relatively low prices in many cases.

Besides

the parties paying the

#### Reference 907 - 0.01% Coverage

shipped to Port Louis from

various coastal stations in Flacq, Rivière du Rempart, Pamplemousses and Savanne. The creation of new estates inland increased substantially the cost of building and equipping a factory and the cost of transport of sugar to Port Louis.

In 1856, the Chamber of

#### Reference 908 - 0.01% Coverage

resources of a single industry.

Planters responded to the developing economic crisis by a process of retrenchment, less frequent calls for the importation of labourers, the rationalisation of manufacturing operations and the improvement of operations to increase efficiency and cut costs. Between 1863 and 1903, the number of factories declined by 70 per cent, from 255 to 80. Share cropping became increasingly common during the 1880s, and by the late 1890s, one-fourth of the island's sugar estates were engaged in this practice. At the same time, many estate owners began to subdivide their holdings and sell off small plots of land to Indian labourers.

From the second half of the 1860s, Mauritius once again faced very difficult times: a financial crisis in 1865, a severe drought in 1866 and the outbreak of malaria in 1867 created havoc in the island and resulted in a serious deterioration of the Sugar Industry's finances. In 1866, 20 estates were sequestered as a result of the drought, and nearly all had to be sold. The outbreak of malaria in the following year led to the abandonment of several other estates and the closure of a large number of factories and brought confusion in the Industry. Seven years later, in 1874, the sugar crop was damaged by a severe cyclone. This created

serious problems for financing the next crop. In 1875, there was a great pressure on the banks, owing to the scarcity of foreign bills of exchange and the high discount on local bills. At one stage, the local market was reported to be entirely bare of foreign bills.

The Oriental Bank set things

#### Reference 909 - 0.01% Coverage

the shortfall in crop proceeds.

On two other occasions, in 1898 and 1908, a small crop followed by a rise in the price of rice and other staples resulted in a deficit of 500 thousand and 700 thousand rupees respectively on crop operations. Several estates found themselves in difficulty. To help the Sugar Industry and business, the Mauritius Commercial Bank lent large sums to brokers and planters in the form of advances on dock warrants. On both occasions the Bank had to appeal to Government for assistance, and the currency commissioners were authorized to lend over one million rupees to the Bank. These loans were soon repaid when, after the next crop, money flowed back to Mauritius.<sup>134</sup>

The fundamental weakness of the

#### Reference 910 - 0.01% Coverage

who spend such revenue elsewhere".

##### 4.3.5.2 The Sugar Estate Companies

The pressure of competition caused, in time, a profound change in the economic organization of the Industry. Whereas previously most estates had belonged to individual proprietors, several estates now became the property of public companies.

"After having operated to date as individual properties under private ownership, the sugar estate takes the form of a corporate organization constituted by means of shares and through a particular evolution of affairs, we are confronted simultaneously with a subdivision of ownership of individual estates and the amalgamation of estates under common management. If the change in the system of ownership which is already so widespread were to become the norm the 180 to 200 individual sugar estates which now exist in Mauritius could be combined into 60 to 80 sugar estates companies; and it is to be expected that the outcome would be quite considerable. Already we notice an increase in the market value of sugar property together with greater facilities to secure such amount".<sup>137</sup>

One of the factors, which brought about this fundamental change in the organization of the Industry, was the involvement of estates with finance companies. In 1897, several estates in the island were reported to be very deeply encumbered. When these estates became too involved financially, they were taken over by the finance companies in settlement of their debt: "A great many [estates] are mortgaged to the Oriental Bank; others have passed into the hands of companies that have kept them up. The Mauritius Estates Company and the Oriental Bank Estates Company have very large estates which had to be taken over...". In 1895, the Oriental Bank Estates Company owned or managed eight estates and was financially interested in several others. The Mauritius Estates and Assets Company had considerable sugar property in four Districts of the island. The Anglo-Ceylon Company owned six estates, amongst the largest in the island. The Credit Foncier of Mauritius, likewise, owned a number of large estates.

In 1909, there were in the island some 141 estates of over 40 hectares; of these 13 belonged to three British Companies, 24 to Mauritian Companies, the rest were owned by private companies and individuals, mostly resident in Mauritius.<sup>138</sup>

#### 4.4 Métagage and Morcellement

#### Reference 911 - 0.01% Coverage

##### 4.4 Métoyage and Morcellement

During the 1880s, sugar prices began a secular decline. Indebtedness increased and numerous estates were divided into small parcels and sold to Indian cultivators, many of whom fifteen to twenty years before had been indentured labourers. The number of factories tumbled from a peak of 288 in 1850 to 104 in 1892 and 66 in 1908. The parcelling out and sale of estates proceeded most rapidly between 1880 and 1900; it was checked in 1902.

After 1880, under the pressure of falling sugar prices and increasing competition for labour, some planters handed over part of their estates to their workers in the hope of binding them to the estates. Under the 'métoyage' system (tenant farming), the tenant farmers cultivated their land with sugarcane which was taken to the estate factory to be crushed. The 'métoyage' system gave way to "morcellement". Large portions of marginal or sub-marginal land were divided into small plots and sold to Indians, mostly for cash but also on deferred terms of payment. Between 1886, and 1895, there were 69 "morcellement" of estates in the island. A large number of Indians,

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#### Reference 912 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

several of them part-time labourers on estates, thus occupied land, which estates could no longer work profitably and brought them back into production.

In 1907, Highlands Estate, with 2,975 acres under cane, was actually cultivating only 206 acres and had leased 2,419 acres to Indian small planters; on Reunion estate, planters cultivated over one third of the estate land. By 1907, Indian cane farmers owned 30 per cent of cane acreage in Mauritius, and produced 22½ per cent of the cane crop. According to Allen, the parcelling out of estates was a device by sugar estates, which were squeezed financially to appropriate the substantial sums owned by Indians in Mauritius. According to him, there is reason to believe that the Indian immigrants investment in property became increasingly important to the Sugar Industry's financial well-being as Mauritius economic crises deepened after the mid-1880s.

The extensive parcelling out of estate land, which began around 1875, heralded an important change in the organization of the Sugar Industry. Since 1858, the reduction in the number of factories allowed for important economies of scale. But the merging of factories required heavy investments and the sale of marginal land provided much-needed funds.

Allen asserts that the "Grand

#### Reference 913 - 0.01% Coverage

and domestic servants (£7,327).

Many of the early sales of land to Indian immigrants in the 1840s during the 'Petit morcellement' were made by Creoles. The Creole landowners had often sunk all their capital in the acquisition of the land and did not have, or could not raise, enough working capital to cultivate it. As a result, many of these plots remained uncultivated many years after their purchase. The early 1880s, by contrast, saw the subdivision of an increasing number of sugar estates and other properties.

The beginning of the 'Grand morcellement' dates from around 1875. The parcelling out of estate land gained momentum during the 1880s and 1890s. By 1895, the scale was such that the Governor, Sir Charles Bruce characterized the increasing pace as 'inevitable'. He also noted that the Colony's sugar factories were being improved to handle the cane-produced by the growing number of small planters. He estimated, in 1896, that at least one-fourth of the year's sugar crop had been produced by small planters.<sup>139</sup>

'Morcellements' and the use of

#### Reference 914 - 0.01% Coverage

side of the industry. The

consolidation of estates which followed was an inevitable consequence of the high overhead costs of sugar production. According to Carter, the transfer of field-work on estates to job contractors was beneficial to planters in the short run; in the long-run, however, the development of Indian villages which it fostered provided a more direct challenge to the traditional sugar estate.<sup>140</sup>

In the same vein North

#### Reference 915 - 0.01% Coverage

labour arising in the colony.

By 1850, there were 48,112 immigrants engaged by the sugar planters, their aggregate wages being £ 28,683, 7sh. and the average wages was 11 shg 11 d.<sup>142</sup> According to the contract of service, they were to receive 5 Rupees as wages every month; the daily ration was to be 2 pounds of rice, 1/2 pound of dhol and an adequate quantity of salt, ghee, oil and mustard. The immigrant was also to be supplied with one dhoti (loincloth), one blanket, one sheet and two caps. So that they might not become a burden on public funds on the termination of their contract, the employers had also to give an undertaking that the immigrants would be entitled to a free return passage to India at the end of their service. Later, the free return passage was abolished. In addition to these, they were also provided with free housing on the estates and free medical attendance.

#### 4.5.2 Wage Payments

#### Reference 916 - 0.01% Coverage

6 Source: Mishra (2010)<sup>143</sup>

The planters used every possible trick to resist any increase in wages. The first such trick was to reduce the bargaining opportunities of the immigrants by importing surplus labourers and binding them to the same contractual obligations for as long as possible. In employing immigrant labourers under the same conditions, planters always insisted on longer contracts, in which they ultimately succeeded, and imposed severe restrictions on their mobility so that the labourers had no respite but to engage with the same estate on whatever wages it offered. When the intending immigrant was recruited, he was told he would receive wages of six months in advance in India itself.

But

from this advance payment

#### Reference 917 - 0.01% Coverage

might be for such absence.

This was practised by the planters as early as in 1839<sup>144</sup> and finally got the legislative endorsement in Ordinance 22 of 1847. Planters misused this provision both for the non-payment of wages, and also to curb labour mobility. The quantum of 'double cuts' was so high that in 1874 'double cut' reduced the wage bills by one-third on good estates and one-half on bad estates to what should have been actually paid to the labourers.<sup>145</sup> The 'double cut' was imposed by the planters for reasons other than unlawful absence of labourers (these reasons were most often meaningless in nature like absence because of imprisonment, or attending court proceedings). This was described by the Royal Commissioners as a 'monstrous system'.<sup>146</sup> Despite this persuasive condemnation, the provision of 'double cut' remained in force even in the supposedly pro-labour legislation of 1878, and it was abolished only in 1908 'when indentured immigration was in its last gasp'.<sup>147</sup>

On some estates planters even enforced deduction of four days' wages for absence of each day. In addition to these two universal deductions, planters made deductions from labourers' wages for their absence due to sickness, idleness, drunkenness, cutting of grass, losing tools, collecting firewood and on countless other similar unreasonable grounds, according to the planter's fancy. Planters used every possible excuse to defer the payment of wages in cash to the labourers. On innumerable occasions, irregular payments and heavy overdue amounts of wages were reported, despite the strict legislative provisions for weekly or monthly payments of wages throughout the indenture period.<sup>148</sup>

The Royal Commission reported that between 1856 and 1870, more than thirty estates had arrears for more than three months on an average per year.

Planters' usual defence was the

#### Reference 918 - 0.01% Coverage

57 55

114 88 88

Total 7235 Source: ARPI for years, 1878-1899 4.5.2 Wage Payments and Wage Disparity on Sugar Estates: Empirical Evidence

Data was collected from the Protector of Immigrants from 1878 to 1888. Information on average monthly number of sirdars and labourers per estate and District, average contract wage for sirdars, per centage deductions from wages based on the number of days lost in terms of sickness, imprisonment, illegal absences were made available.

Data was also collected on

#### Reference 919 - 0.01% Coverage

4.2 Figure 4.3

Figures 4.1 – 4.3 above show the number of sirdars working in the different Districts of Mauritius from December 1878 to June 1888. The highest number of sirdars is in the District of Flacq followed by Grand Port and Moka. There is low variation in the number of sirdars on the sugar estates across a particular District implying low mobility of workers across sugar estates and Districts

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#### Reference 920 - 0.01% Coverage

different

Districts of Mauritius from

December 1878 to June 1888. The highest number of labourers is to be in the District of Flacq followed by Grand Port and the Plain Wilhems. We find a similar trend in the distribution of labourers as to sirdars in the above charts. The size of the sugar estates are often linked to the number of labourers and sirdars working on the plantations. The close link between the population of labourers and sirdars can be seen above.

Figure 4.5 Figure 4

#### Reference 921 - 0.01% Coverage

24

10.16 4.75

From the above, we might not capture the variation in the size of sugar estates in the different Districts. By analysing the data by Districts, we may ignore important differences across estates in the different areas. As such, we analyse the data for the starting period December 1879 and the end of the period of study that is June 1888. The analysis is shown in Tables 16 and 17. We concentrate on those sugar states with the highest number of labourers (as a measure of size) in the different districts of Mauritius.

largest number of labourers were

#### Reference 922 - 0.01% Coverage

Eastern parts of the island.

In December 1879, we note that the sugar estates with the For

instance, Gros Bois, L'Etoile, Queen Victoria, Chamouny and Rose-Belle are those with the largest number of labourers. However, we did not find any significant relationship between number of labourers on the sugar estates and the wage rates paid to these workers.

Labourers Truth and Justice Commission

#### Reference 923 - 0.01% Coverage

THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Table 16 Size of Sugar Estate and Average Wage Paid to Sirdars and Labourers in December 1879 Dec 1879

Average Number of

District

1

#### Reference 924 - 0.01% Coverage

Port

Plaine Wilhems

Plaines Wilhems

Sugar Estate Gros Bois L'Etoile

Reference 925 - 0.01% Coverage

52 13.52 5.87

The highest average wage rate was Rs. 7.47 for Belle-Vue Sugar estate in Flacq which is last in Table 17 in terms of employment of labourers. Our regression analysis also shows no positive significant link between size of the sugar estates and average wage paid to labourers.

A similar  
result is obtained

Reference 926 - 0.01% Coverage

paid to labourers.

A similar

result is obtained in June 1888 as shown by Table 17. We note that sugar estates in the Districts of Plaines Wilhems, Grand Port, Flacq and Moka namely Fressanges, Highlands, Gros Bois, La Lucie and Truth and Justice Commission 353

Reference 927 - 0.01% Coverage

THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Agreement employed the largest number of labourers. The highest average wage paid to labourers in this period was around Rs. 6.43 on Riche-en-Eau sugar estate. Again our regression results, as well as figures from Table 17, do not reveal a positive correlation between the size of the sugar estate and average wage paid to labourers. This means that the average wage paid to labourers does not increase as the size of sugar estate increases. Across sugar estates, we also note that sirdars were earning more than labourers and the disparity was more pronounced.

Their wage  
premium was in

Reference 928 - 0.01% Coverage

was more pronounced.

Their wage

premium was in the ratio of 4:1 and even more on many estates. We also observe that there has been a decline in wages across all sugar estates from December 1879 to June 1888 and the fall apply to both the remuneration of sirdars and labourers.

Table 17 Size of Sugar Estate and Average Wage Paid to Sirdars and Labourers in June 1888

Average Wages

June 1888 District



#### Reference 929 - 0.01% Coverage

Moka Moka  
Savanne Moka Flacq  
Estate Fressanges  
Gros Bois La Lucie  
Sirdars

#### Reference 930 - 0.01% Coverage

according to A. Jahangeer Chojoo.

The Indian traders expanded their business interests in Mauritius. They lent money to those buying land, taking mortgages on the land. They would participate equally in parcellisation of land or provide finance to those involved in land parcellisation.<sup>153</sup> Further, as their business developed, they became big financiers, investing in the sugar industry. For example, Jackaria possessed the largest sugar estate of more than 6,000 arpents by 1908; another would become a sugar factory owner<sup>154</sup>. Moreover, they provided finance to the sugar industry and acted as agents for the exports of sugar to India. They played a most important role in that context; Sir Philippe Raffray wrote:

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#### Reference 931 - 0.01% Coverage

given a new boost.  
social

Prior to the land parcellisation, a commercial bourgeoisie had already settled, together with a growing middle class consisting of job contractors, sirdars, traders, middle-men, money lenders, intellectuals, then a class of planters (overlapping to some extent with the middle class). The labouring class would consist of small planters/labourers, landless labourers, gardeners and other manual workers on sugar estates. Whilst the different social classes would adapt, or try to adapt, to the existing colonial society, the agricultural labourers would be facing acute economic exploitation and social exclusion on the sugar estates, leading to their resistance in the form of the well-known protest of 1871, amongst others.

The social stratification is of

#### Reference 932 - 0.01% Coverage

uncertainty as to legal ownership.

There was another report by F. Gleadow<sup>163</sup> on the management of forests and on advising Government on the purchase of lands for forestation to the value of Rs 1,500,000. Firstly, it is of importance to note that, according to F. Gleadow, the sum of Rs 2.9 million rupees was spent to buy about 25,000 arpents, most of which were recommended by R. Thompson. Secondly, the Report mentioned "the corruption of subordinates need not be insisted on. It is the natural corollary of the want of supervision". According to Barnwell and Toussaint<sup>164</sup> there was widespread corruption with regards to the management of forests. Important planters, some of whom were members of the Council of Government cut down trees on Government lands near their estates. Further, according to Gleadow, Government surveyors drew false

boundaries for Government lands, thus giving away Government land to estate owners. The latter rewarded these same Government surveyors with large bribes.

#### 4.8 Concluding Remarks

After

#### Reference 933 - 0.01% Coverage

lower the mountain reserve lines.

The British Imperial Government adopted a Free Trade policy, pushing down the price of sugar, the plantocracy adopted a cheap labour policy and, to do so, flooded Mauritius with indentured labourers so as to be able to depress wages. Yet, in the late 1840s, when, for a short spell of time, indentured labourers could bargain for wages and secure rather higher wage rates, the plantocracy succeeded in winning over the colonial estate to introduce legislation from 1847 to 1867 to increase immigration of indentured labour and to have greater control on the immigrant population. This time, the economic weapon of bringing wages down concerned the Old Immigrants and further consisted in bringing repressive legislation against them.

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#### Reference 934 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

The major social transformation resulting from the parcellisation of land would not affect the fate of the labouring classes, both on and off the sugar estates. Land parcellisation and métayage ensured that the expanding sugar factories were being run as efficiently as possible with sufficient supplies of sugar cane.

With repeated crises in the

#### Reference 935 - 0.01% Coverage

and more powerful units.”<sup>165</sup>

In fact, the family-owned sugar estates and factories of the nineteenth century would progressively merge to form ever bigger sugar companies.

Moreover, in 1870s, there was

#### Reference 936 - 0.02% Coverage

##### System and The Sugar Industry

Given the dependence of the economy on the Sugar Industry, the financial system in force in the Sugar Industry had a major bearing on the financial system prevailing in the country. First, it should be noted that most of the sugar estates were generally somewhat heavily mortgaged, with interest from 7 to 9 per cent. Further, all of them had Government loans. So much so, that the total debt of 55 (out of 66) estates possessing factories was about Rs. 12,000,000, with nearly one-third due to the Government.<sup>170</sup>

In addition to the interests mentioned above, most of sugar estate owners did not have sufficient working capital and, therefore, they needed borrowed money to run their estates. That is where their financial agent

or 'bailleur de fonds' or broker came into play. The functions of the 'bailleur de fonds'/ broker are clearly described in the Report of the Royal Commission:

"By the end of the hurricane season, i.e. in April, they have exhausted the funds derived from the last crop and have to apply to a financial agent for assistance. This agent is called in Mauritius a bailleur de fonds. He is often a local merchant or produce broker, he has generally a substantial amount of liquid capital of his own as well as good credit at one or other of the two local banks, and when, as usually happens, the total amount of the money required for the estates which he is financing exceeds his own available resources, he borrows the balance from the bank, giving his own name and that of the estate owner as security. The planter submits to the bailleur de fonds a kind of budget for the coming year showing what he expects to have to pay for interest and other fixed charges, wages of employees and labourers, manure, rice and other stores, and in many cases for household and personal expenditure-in fact for all his anticipated outgoings during the year. He gives the bailleur de fonds the selling of the sugar produced on the estate and the right to demand, if necessary, a mortgage on the estate for any balance which may remain owing at the close of the year's transactions. The bailleur de fonds then becomes practically the business manager of the estate. He supplies the owner monthly with the funds required for fixed charges, wages, &c., he buys and pays for the manure, rice, and stores required for the estate, and, as the sugar is produced, he sells it and credits the owner with the amount realised. On all his outgoings in respect of the estate he debits the owner with the interest at the agreed rate, and on the other side of the account credits him with the interest at the same rate on the sums received for the sale of produce. At the end of the year the account is made up and the owner receives whatever balance there may be owing to him, or, if the balance is a debit one, gives the bailleur de fonds security for the amount."

With this system, and given that estate owners tended not to develop a reserve fund for difficult times, they were almost invariably indebted. Moreover, it should be noted that some of them, including three English companies owning thirteen sugar estates, did not depend on the services of the broker. The estate owner had to pay interest and other commissions for the services of the 'bailleurs de fonds' as a financial manager and business manager; they tended to be around at least 14 per cent of the crop depending on the financial situation of each case.

There were risks and advantages of such a system: sometimes the broker might be a merchant or may be involved in running a sugar estate, so that conflicts of interest arose. On the other hand, by acting as a business manager for several sugar estates, the broker could purchase stores at lower prices. Further, some brokers ended up being estate owners, given that these estates became insolvent. Effectively, from brokers, two English companies became sugar estate owners.<sup>171</sup>

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Reference 937 - 0.01% Coverage

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But, in the end, this financial system linking the broker with the Estate Manager, both as Financial Manager and town agent, turned out to be rather vicious. If the broker was dealing with a single year's loss on a single estate only, the broker might hesitate before committing himself further. But, in a year of low sugar prices and when he would be dealing with several estates, he would find himself in a tight corner; his liabilities would tempt him to provide further credit in the hope of an improved situation by the next crop-year. Thus the system encouraged further borrowing. And this risk was made worse, given the specific social reality of small Mauritius, as so aptly written by J.D. Elliot and N.G. Loughane: "In the small white community of Mauritius, closely bound together by the ties of inter-marriage and of long-standing family friendships, the influence of public opinion makes for lenient and sympathetic treatment of debtors whose insolvency

is concealed and assisted by further credit often beyond the creditor's capacity to allow without endangering his own security."<sup>172</sup>  
But this financial system together

#### Reference 938 - 0.01% Coverage

with interest within 3 ½ months.

Finally, capital exodus seemed to persist, if only as a result of foreign ownership of some sugar estates; moreover, with the deaths or the departure of some wealthy people, there was an exodus of capital of Rs. 20 millions. Yet there was a request for loan to the Colony.

#### 5.2.4 Landownership by

#### Reference 939 - 0.01% Coverage

the turn of 20th century

Some indication of the approximate distribution of ownership of sugar estates, according to size and different social groups is obtained from the documents submitted by the Receiver General to the Royal Commission of 1909<sup>174</sup>.

According to these documents, at that time, there were 143 sugar estates with an overall acreage of nearly 80,825 hectares (200,000 arpents). Of these, 66 had a sugar factory and 77 did not have one. All the land forming part of the sugar estates were not under the cultivation of sugar, and a small percentage (10.3%) was under cultivation of other crops. As information on the cultivation of land by small planters on and off the sugar estates was not provided, it is not possible to consider the extent of sugar cane cultivation from the documents.

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#### Reference 940 - 0.01% Coverage

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The breakdown of the acreage of the 143 estates is given in Table 21. Table 21 Distribution of Estate Land by Acreage

Owners Acreage (Hectares) 0 – 40

#### Reference 941 - 0.01% Coverage

4%

Total 143 100.0%

The main features of the distribution of the estate land by acreage are: 26.6% of estate owners owned less than 202 hectares (500 arpents), 19.6% owned between 202 and 404 hectares (500 – 1000 arpents), whilst 51% owned between 404 and 1617 hectares (1000 – 4000 arpents). Only 4 estates had acreage above 1617 hectares (4000 arpents).

As far as ownership is concerned, the main groups were: the French/British settlers, Indian (both from abroad and in Mauritius), a mix of residents and non-residents, of whom the latter seemed to be most likely to be of French origin (based from their names), British (from abroad), and French (from abroad). Among

the Indians, there are three who were traders, one of whom was based in Bombay and another one based in Pondicherry. Table 22 sums up the analysis of estates by acreage and "social categories", as defined above, and as presented by the documents.

0.7% 9.8%

16

#### Reference 942 - 0.01% Coverage

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##### Table 22 Analysis of Sugar Estates by Acreage and Social categories Indian

Acreage (hectares)

French/ British Colonist

#### Reference 943 - 0.01% Coverage

1 9.2

100.0

A feature of interest of the above table is that whilst the four Indians (traders and Indians from abroad) owned estates with an acreage of 3566 hectares (8824 arpents), the other twelve Indians, most probably emerging from among the indentured labourers, owned estates with an acreage of 1676 hectares (4,147 arpents) which is less than half of that owned by former Indians.

5.2.5 The Small

#### Reference 944 - 0.01% Coverage

##### 2.5 The Small Planters

As discussed in Chapter 4, the class of small planters developed from among the sirdars, the former indentured labourers, the middlemen and free immigrants when the sugar estate owners divided up their lands and mobilised funds to allow them to improve the manufacture of sugar. The small planters generally had problems of access to credit and of having a good price for their canes at the factory. In many cases, the small planters borrowed from the estate owner to whom he had to send

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#### Reference 945 - 0.01% Coverage

of interest and from shopkeepers.

The whole process of morcellement or parcellisation of land by estate owners and the purchase of the land by the new small planters can be illustrated by the following example<sup>175</sup> which reveals the problems faced by the emerging small planter class.

In 1900 and in 1901

#### Reference 946 - 0.01% Coverage

that would be sufficient.”<sup>177</sup>

Yet, the Commissioners were fully aware that more immigration would mean more unemployment and more poverty. The estate owners wanted at all cost an abundant supply of cheap labour during crop time; the consequences for available labour prevailing outside the plantation were irrelevant

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#### Reference 947 - 0.01% Coverage

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to him, even if that meant more unemployment and more poverty during the inter-crop period. In a sense, it can be said that the estate owners did not mind the ‘creation of poverty’, if that were the consequence of availability of abundant cheap labour.

The following questions and answers

#### Reference 948 - 0.01% Coverage

not for the smaller ones.

The tendency in the 1930s was to put the blame for the crippling burden of debt borne by the industry during the “lean years”, on what was described as the reckless speculation of 1920, which, it was alleged, squandered a large part of the industry’s profits. The Financial Commissioners of 1931 wrote that a considerable part of the 1920 boom-year profits appeared to have been wasted in purely private expenditure and some of it to have found investment outside the Colony, leaving the estates no better off to face the “lean years”.

It may be argued, however, that the “reckless speculation” of 1920 was, in fact, little more than the normal reaction of sanguine estate owners and businessmen in the absence of a well-organized capital market in the face of a sudden unprecedented and short-lived boom. In their report the Economic Commission of 1947 referred to the fallacy of the concept of “the industry being burdened with debt”. Financing the purchase of estates with borrowed money is a long-standing custom in Mauritius. Far from being a problem, it is a feature common to a great majority of

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#### Reference 949 - 0.01% Coverage

sharp drop in sugar prices.

In 1926, the industry obtained a loan of Rs. 6mn from the Colonial Government, in 1927 it obtained a loan of 200,000 pounds sterling from the British Government and Rs. 3mn from the Colonial Government. Other loans were granted in 1930 and 1931. In 1930, the Government lent Rs. 3mn to the Sugar Industry from the Colony’s Development Funds, to prevent several estates from going bankrupt, and in 1931, after a severe cyclone, another loan of 500,000 pounds sterling was granted by the British Government to make good the loss on property and crop. By 1931, the Sugar Industry was carrying deadweight of five successive loans amounting to Rs. 20mn, on which it could not repay either the principal or interest.

In 1929, Sir Francis Watts

#### Reference 950 - 0.01% Coverage

Industry lost another Rs. 7mn.

As mentioned before, the Industry was assisted in 1930 and 1931 by loans from the Colonial Development Fund and the British Government. These loans forestalled a complete breakdown in the strained financial conditions of the Industry, but did not, for that matter, improve the financial situation of the sugar estates or restore the shattered confidence of local businesses.<sup>180</sup>

The Financial Commission of 1931 advocated an extensive capital reconstruction of encumbered estates.

"All estates must be prepared to face the fundamental fact that they are carrying too heavy a load of capital; the profit now all goes in interest charges ... capital reconstruction of encumbered estates will effect an equitable distribution of the loss amongst the various interests concerned [...]"<sup>181</sup>

The imposed capital reconstruction, with considerable losses to all the parties concerned, would have been virtually impossible in the conditions of 1931. Large-scale capital readjustments of estates depended primarily on the restoration of a certain balance between costs and prices inside the Industry. It was with this in mind that the Chamber of Agriculture made repeated requests for a guarantee by Britain, in one form or another, of a stable minimum price over a certain number of years.

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#### Reference 951 - 0.01% Coverage

Distress of the Sugar Industry

During the 1930s, a large number of estates found it impossible to provide for their current requirements without overdrawing, from year to year, on their accounts with the brokers. On the other hand, the brokers, with large sums already committed in several estates, had an interest in their continued cultivation and were willing to advance the required capital to keep these estates solvent.

The financial burden of keeping

#### Reference 952 - 0.01% Coverage

The Sugar Industry: Internal Development

The improvements in the financial and economic conditions of the Sugar Industry, from 1946 onwards, restored the industry's profitability and boosted the prospects of sugar. After several dismal years, conditions were buoyant once again and a general atmosphere of optimism prevailed in business circles, and in the island generally. Substantial sums were invested in the rehabilitation of estates, and the use of modern equipment made it possible for large additional tracts to be brought under cane. Besides the improvements in field and factory operations, the increase in output also resulted from the development of new cane varieties, particularly the M134/32, the wonder cane of the 1950s.<sup>184</sup>

As from 1946, an unprecedented

#### Reference 953 - 0.01% Coverage

performance of 2.54 kgs.

According to the Mauritius Economic Commission of 1947-48, these 'remarkable' increases in yield of sugarcane in Mauritius compared favourably with the performance in other cane sugar-producing countries. The efficiency of operations on estates brought down the cost of production and made Mauritius one of the most efficient producers of cane sugar in the world.

### 5.3.2.2 The

#### Reference 954 - 0.01% Coverage

of the Government objectives.<sup>190</sup>

As mentioned earlier, in its Report on the financial and economic situation of Mauritius, the Royal Commission of 1909 had written that there were few accumulated fortunes in Mauritius. Traditionally, a substantial part of the profits of the Sugar Industry was invested in Europe and South Africa, in the case of white estate owners and their affiliates, and in India, in the case planters and merchants of Indian origin.

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#### Reference 955 - 0.01% Coverage

27.5 %and 25.1 %.

Moreover, some sugar estates were making profits over the years, whilst others operating at losses were partly badly managed at the time of the boom year of 1921, when sugar prices rose to £90 a ton: buying estates at high prices and extending sugar cane cultivation to not very productive land.<sup>216</sup>

Further Elliott and Loughlane noted

#### Reference 956 - 0.01% Coverage

abroad should be taxed.<sup>217</sup>

In such economic depression, yet again the labouring classes were squeezed by the Sugar Industry whilst many estate owners could even contemplate capital exodus. 5.5.2 The Struggle of the Labouring classes

The sustained impoverishment of the labouring classes during the 1930s on the one hand, and the emergence of the Labour Party with its public meetings, on the other hand, created conditions for any fire to spread if there were a spark somewhere. Effectively, the 15 % decrease in the prices of the Uba cane variety by the Sans Souci and Rich Fund estates in the District of Flacq, triggered off protest, processions/strikes, marches, and generally agitation for better wages and against unemployment. This agitation started on 3rd August 1937 and progressively spread to the North and the South of Mauritius. Initially, the labourers and small planters were involved; thereafter, other categories of workers, such as estate servants and dockers, became involved. And, at the UnionFlacq Sugar Estate, owned by the Gujadhur family, new sugar magnates of Indian origin, shots were fired by the estate management and four labourers/ small planters were killed and several others were wounded. During the autopsy, two were found to have been shot from behind.

The Colonial State obviously reacted by sending in the Police; more importantly, a Commission of Enquiry into the unrest on sugar estates was set up on the 18th August 1937 under the chairmanship of C.A. Hooper. The events of 1937 are landmarks in the History of Mauritius, and in particular, in the History of the Labour Movement. The report of the Commission of Enquiry, referred to as Hooper's Report, would equally bring an entirely new dimension in the way that industrial relations would be dealt with by the Colonial State, and invariably, by the employers, including the sugar oligarchy.

The main grievances of the

#### Reference 957 - 0.01% Coverage



i.

Establishment of Trade Unions;

Various measures in favour of Labour; repeal of Labour Ordinance of 1922, inspection of Labour, regulation of the work of women and children on sugar estates etc.

The establishment of a Department

#### Reference 958 - 0.01% Coverage

of Labour and Social Welfare;

ii. Pay of Casual labourers to be increased and to be made by the estate; iii.

iv. v.

vi.

Institutions of

#### Reference 959 - 0.01% Coverage

changes would have taken place.

The struggles of the labouring classes proceeded further in the years to come. Thus, in September 1938, there were a strike by the dockers, claiming for an increase in wages and better worker conditions. The strike soon began to spread to other sectors, especially to the labourers on the Sugar Estate at Trianon. The Colonial State reacted by very repressive measures: Dr. Curé and Pandit Sahadeo were placed under house arrest, E. Anquetil, a trade unionist and a close collaborator of Dr. Curé, was deported to Rodrigues. The Colonial Government further decided to use direct repressive measures against the strikers: three hundred were arrested and 'black legs' were used to break the strike.<sup>221</sup> In fact, Governor Sir Bede Clifford asked the Mauritius Sugar Syndicate to recruit appropriate labourers on the sugar estates to step into the shoes of the dockers. He asked Mr Jules Leclezio, of Mauritius Sugar Syndicate "to arrange for the sugar syndicate to get into immediate touch with a selected number of estates to collect all the suitable labour required for unloading the trains and loading the lighters and to arrange with the representatives of the Railways to have these men transferred immediately by rail to the camp which was being provided for them at Quay D."<sup>222</sup> According to R. Quenette, the operation was a success and the Governor succeeded in its policy of 'divide and rule' to be used again in the future, when dealing with labour.

During the years that followed, there were various industrial disputes, especially by agricultural labourers, relating to mainly wages and shortage of foodstuffs. In the year 1943, there were many stoppages at work in the North by agricultural labourers from January to April with little result.<sup>223</sup> As from July, things got worse. There were strikes and cane fields were set on fire; in the end Police fired at a crowd at Belle Vue Harel Sugar Estate, killing three persons, one man, one woman

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#### Reference 960 - 0.01% Coverage

small man or his problems."

Simultaneously, the labourer might then still be frightened to approach an overseer or manager on a sugar estate. Thus, as Moody et al. wrote, things were kept quiet. The relative ineffectiveness of the Trade Unions in looking after the interests of their members was obvious to the Commissioners. They found out that:

#### Reference 961 - 0.01% Coverage

in terms of its economic

performance over the last two decades. Confronted by a series of financial and economic crises, which brought the island on the verge of bankruptcy in 1979, which followed an unprecedented Sugar Boom in 1972-75, Mauritius has unequivocally undergone a successful stabilization and structural adjustment programme in the 1980s, diversified its economic and export base and embarked on a path of rapid and sustained growth in real GDP and real GDP per capita. Moreover, all this has been achieved in a relatively short space of time, between the late 1970s and mid 1980s. The speed and extent of adjustment imply a high degree of flexibility and responsiveness to economic stimuli which, is unusual in the Sub-Saharan African context. In 1972-75, Mauritius experienced a major (positive) trade shock due to a combination of record sugar output and boom prices. Through a fairly detailed study of the relevant data, the study by D. Greenaway and R. Lamusse<sup>245</sup> shows how a relatively short boom affected the financial and economic context of this highly-open monocrop economy and the responses of both public and private sector economic agents to this very significant externally-generated windfall. According to the methodology which was used in the work, the result of the computations show that in 1972-73 the windfall gain was worth 6-8 % of GDP (in constant 1972 prices). It peaked in 1974 at 28 % of GDP and, despite a production short-fall in 1975, owing to a cyclone, it still amounted to 19 % of GDP. This is clearly a very significant windfall. If the windfall is converted into a permanent income using a discount rate of 8 %, this being after a tax-rate of return realized by large sugar estates at that time, the windfall has a present value of 5 % of GDP. Even if other adjustments are brought in so as to refine further the calculation, whether the magnitude of the shock is calculated in current prices or present value terms, the 1972-75 sugar boom caused a major upheaval of the economy on Private Sector Savings, Private Sector Investment and the Government Budget.

The post-Independence trade policy

#### Reference 962 - 0.01% Coverage

social and political set-up.

In the context of the ferment of ideas and desire for change, following the 1982 elections, there was a change of attitude and policy by the Government in its dealings with the Sugar Industry. In contrast to its earlier passive attitude in disputes between main stakeholders-the sugar estates, small planters and the labour force - the Government henceforth assumed a more direct role in the Sugar Industry's affairs.

In the face of a

#### Reference 963 - 0.01% Coverage

and the sugar industry".<sup>249</sup>

In June 1994, a Memorandum of Agreement was signed between the Government, the Mauritius Sugar Producers' Association (MSPA) and the Rose-Belle Sugar Estate which belongs to the Government and which is not a member of MSPA. In its Annual Report, the Chamber of Agriculture referred to "new spirit which now prevails between the government and the sugar industry in the face of a common threats and challenges". Another notable event was a Package Deal between the MSPA and six (Trade) Unions over pay and working conditions, extending from 1st July 1994 to 31 December 1997, which was hailed by the Sugar

Industry as a breakthrough in industrial relations. In the field of energy generation from bagasse, another major development was the signing of a Memorandum of Understanding between the CEB and the Union St Aubin Sugar Estate.

The Loss of Cane Land

#### Reference 964 - 0.01% Coverage

hectares (33034.1 arpents).<sup>250</sup>

The loss of cane land has been particularly high among small planters. They cultivate tiny plots of less than one arpent and their holdings are often fragmented into minuscule and scattered parcels which increase the cost of cultivation. Besides, on account of the fairly frequent occurrence of adverse climatic conditions and lack of good husbandry, their yields have deteriorated over the years and many small planters are cultivating sub-marginal plots on which the yield is only a fraction of that obtained by sugar estates and large planters. Due to the absence of adequate records, their title of ownership is also often problematic. Moreover, much of the land is not irrigated or rocky. With the meagre yields which they obtain in return for all the exertion and resources which they devote to cultivating their plots, small planters are particularly prone to be attracted by the alluring opportunities and high prices offered by promoters in the tourism industry and the lucrative property market.

Clouds on the Sugar Horizon<sup>251</sup>

#### Reference 965 - 0.01% Coverage

4 per cent, respectively.

A

similar picture is depicted for estates in terms of cane production and also harvested areas. Table 30  
Production by Ownership: 2009 and 2010<sup>20102</sup>

2009<sup>1</sup> Area

Ownership Estate Métayers

#### Reference 966 - 0.01% Coverage

and 2010<sup>20102</sup>

2009<sup>1</sup> Area

Ownership Estate Métayers

Harvested (Hectares) 29,500 807

#### Reference 967 - 0.01% Coverage

been involved in VRS II.

VRS II is not financially attractive to the sugar estates in the short term but helps estates to mechanise field operations, which will not be possible, if the vast majority of workers remain as permanent employees, and to reduce labour costs in the long run.

VRS II concerns around 6

#### Reference 968 - 0.01% Coverage

relations of the VRS beneficiaries.

The focus was primarily on VRS II beneficiaries for the simple reason that sugarcane workers who benefited from VRS I in 2001 have now reached the age of 60 or more and are within their normal retirement period. Beneficiaries of VRS II are middle-aged workers who benefited from the scheme in 2007 and 2008. Our sample includes beneficiaries from various regions of the country and from different sugar estates.

The sample was designed in

#### Reference 969 - 0.01% Coverage

the attributes being measured.<sup>259</sup>

Assume that we do not know the variability in the proportion of VRS beneficiaries; therefore, assume proportion = 0.5 (maximum variability). Furthermore, suppose we desire a 90 per cent confidence level and  $e = \pm 5$  per cent is the level of precision. The resulting sample size is then 272. We use 5 per cent for the level of precision since it was expensive, time consuming and often impractical to visit the VRS beneficiaries. Most of them live in the rural regions and near the sugar estates. Long-distance travelling, as well as difficulties in looking for the VRS beneficiaries, increased the cost of the survey. In fact, our data set thus covers 283 sugar-cane workers, which is representative of the total population of VRS II beneficiaries.

A questionnaire was designed to

#### Reference 970 - 0.01% Coverage

of land.

In the Mauritian

context, land acquisition is an important asset and represents for the elderly, in particular, an undeniable achievement for their hard work on the estates. From Table 40, 51.2% of the labourers currently own a plot of land.

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#### Reference 971 - 0.01% Coverage

1 44.4 4.5

100.0 6.6.2.5 Working Conditions on the Sugar Estates

Around 64 per cent of the VRS beneficiaries seem to like their job on the sugar estates, while 36 per cent did not like their working conditions (see Figure 6.5).

Frequency 31

26 3

60

#### Reference 972 - 0.01% Coverage

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Figure 6.5: Perceived Working Conditions on the Sugar Estates For those 36 per cent, the following explanations were given. For 32 per cent, the nature of the work was highly stressful and 43 per cent argue that they were more stressed because of the low salary. Almost 28 per cent of the respondents claim that the working-time was not appropriate and 33 per cent state that the work-load was cumbersome and difficult to manage. Further around 25 per cent argue that there were extensive pressure from the sirdars. All these factors led to a very stressful working environment for the sugar-cane workers. As far as their physical health is concerned, for many working on the sugar estates was not easy. For 34 per cent of the respondents, the nature of the work on the estates affected their physical health and for around 31 per cent and 34 per cent of them the working-hours and the heavy work-load were respectively significant elements affecting their health conditions. For around 16 per cent of the VRS beneficiaries, their physical health was also affected by insufficient time for eating either for lunch-time or short breaks.

Further, we observe that the

Reference 973 - 0.01% Coverage

2 per cent for men.

Table 42 Impact of Work on the Sugar Estates on the Health of Male and Female VRS Beneficiaries Impact on Health Not Affected

Tired Pains

Others 6.6

Reference 974 - 0.01% Coverage

47

%

21.7 78.3

We observe that 45 per cent of the VRS beneficiaries were working with contractors of sugar estates and 31 per cent were actually casual workers on the same sugar estates where they were working before the VRS (see Table 44). 11.8 per cent were self-employed and around 5 per cent were working with different planters. Adopting a gender perception, we note that 80 per cent of the women were working with contractors of the sugar estates and only 4.4 per cent are selfemployed compared to 14 per cent for men. Around 9 per cent of women were working with other planters while 3 per cent of men engage in a similar activity.

Overall, in the end, 76.4% of all the labourers, after having taken the VRS package, found themselves working over again on the sugar estates as casual labourers, no longer enjoying the wages and benefits of the permanent employees.

Table 44 Present Occupations by

Reference 975 - 0.01% Coverage

Occupations by Gender Present Occupation

On contract with sugar estates With planters

With contractors of sugar estates

No. 59

52 13  
Male

#### Reference 976 - 0.01% Coverage

11 per cent, they get together only one to three times per month, while for 10.6 per cent of the respondents, they see their friends at work, that is five days a week, since they are still employed as casual workers on the sugar estates. They were also asked to how the closure of factories has affected the daily life of their local community and its people.  
From their viewpoint, closures of

#### Reference 977 - 0.01% Coverage

cent of the respondents.  
In addition, working on the sugar estates has not been an easy job; the working conditions, as seen above, have had a negative impact on the health status of many.  
Their deteriorating health has been

#### Reference 978 - 0.01% Coverage

in the Table 53 below.  
Table 53 Estate and Off-Estate Cane Plantation (Hectares) Estates with Mill Districts  
Estate Planta -tion  
Pamplemousses 2540 Rivière du Rempart

#### Reference 979 - 0.01% Coverage

Pamplemousses 2540 Rivière du Rempart  
Planters on Estates  
2320  
253 63  
Estates without

#### Reference 980 - 0.01% Coverage

on Estates  
2320  
253 63  
Estates without Mill Estate  
Plantation

2021 1656  
Planters on

**Reference 981 - 0.01% Coverage**

Plantation  
2021 1656  
Planters on  
**Estates**  
247 59  
Total on  
Estates

**Reference 982 - 0.01% Coverage**

Estates  
247 59  
Total on  
**Estates**  
5062 4097  
Total off  
Estates

**Reference 983 - 0.01% Coverage**

Estates  
5062 4097  
Total off  
**Estates**  
3872 2217  
Grand Total  
8934

**Reference 984 - 0.01% Coverage**

8696  
12199 32  
61045 40

Thus, approximately 29% of the land was owned by planters and 71.0 % belonged to the sugar estates. Moreover, there were 149 estates of varying areas, as indicated in the Table 54 below.<sup>297</sup>

Table 54 Classification of Estates (Arpents)\*

Acreage (Arpents) Less than 100

#### Reference 985 - 0.01% Coverage

801 - 1602  
Greater than 1602  
Estates No. 16 26 36 32 26 13  
Total 149  
Percentage 10.7

#### Reference 986 - 0.01% Coverage

4% 8.7%  
100.0%  
It is of interest to note that in 1930, out of 166 estates, 62 were of less than 200 arpents (81 hectares), i.e. 37.3%, whilst in 1940, the corresponding per centage was 28.1%. Moreover, 7 estates, i.e. 4.2% were greater than 1602 arpents (642 hectares), whilst, in 1940, the corresponding per centage was 8.7%. The tendency showed clearly the decrease of small-sized estates and the increase of large-sized ones, confirming the trend towards merging of sugar estates or concentration of landownership in fewer hands. Moreover, the distribution of landownership (off estates) by the small planters reveals the predominance of small acreage, as per Table 55. 91.3% of the small planters had holdings of less than 5 arpents (2 hectares).  
Cumulative % 10.7% 28.2

#### Reference 987 - 0.01% Coverage

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Table 55 Distribution of Sugar Plantations Off Estates  
Size of Holding (Arpents) 0

#### Reference 988 - 0.01% Coverage

3% 0.0%  
100.0%  
The national average holding per head was 3.1 arpents (1.3 hectares). The extent of cane cultivation by the Indian planters showed that there were some estate owners in their midst with a total arpents of 5522.6 (2232 hectares), with one estate having a factory.  
Table 56 Analysis of Cane

#### Reference 989 - 0.01% Coverage

Wilhems Black River  
369 37  
On Estates Off Estates 3528 1974 3163 1670 1698 73  
122  
Savanne 565 Grand-Port



#### Reference 990 - 0.01% Coverage

1091 2282 3  
15482 28  
Indian Estates  
110  
1175 74  
Total Indian

#### Reference 991 - 0.01% Coverage

2 8  
12 4  
15

Thus, using data from Table 57 as well, 14,223 small planters owned 38,310.8 arpents (15483 hectares), giving an average of 2.7 arpents per planter. Moreover, there were 11 estate owners who owned 5522.6 arpents (2232 hectares), giving an average of 502.1 arpents (203 hectares) estate owner. By 1940, the social stratification among Indian 'planters' became very pronounced, with a few wealthy ones. The distribution of the size of estate is of interest.

Table 57 Distribution of Indian owned Estates by Size

Size of Estate (Arpents) 100 – 200

200 – 401 401 – 801 801

#### Reference 992 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Among the two very big estate owners, one owned a factory. Moreover, in 1930, there were 21 estates owned by Indians<sup>298</sup>; the drop to 11 in 1940 could be explained by the impact of the depression of the 1930s.

Table 58 Number of Cane Planters in Different Size Classes of Holdings and Estates 1946<sup>299</sup>

Data compiled from Cane Sales

#### Reference 993 - 0.01% Coverage

Cumulative % 49 41 14 5  
Total 109 0.8% C. Estates (with factory) cultivating between:  
1000.1 - 2000.0 arpents

#### Reference 994 - 0.01% Coverage

population. Why is this so?

The Cooperative sector is an area which could have helped in economic diversification and genuine empowerment of the labouring classes. But poor internal management and corruption have prevented a

significant take-off of the cooperative movement. Yet it could have helped enormously in the struggle against poverty, social exclusion and in job creation. From Dr. M. Curé to Balogh, suggestions were made to enhance the cooperative movement. Attempts to set up a sugar factory run on a cooperative basis in the 1980s failed because of the resistance of vested interests. In India, there is such a factory in Maharashtra which produces yearly 6,000,000 metric tons of sugar. The State and the new elite failed in respect to the setting up of a sugar estate by small planters on a cooperative basis.

Environmental degradation has been a

#### Reference 995 - 0.01% Coverage

and racial hierarchy was established.

A turning point was reached in the 1830s with the legal abolition of slavery and the importation of indentured labour from British India. Not only the trauma of slavery, but also the harsh conditions of apprenticeship and of abolition contributed to the leaving of sugar estates by ex-enslaved people. They were paid very low wages based on those of indentured labour and they lost the housing facilities and the land which they had been cultivating for decades. They could not reconcile their newly-acquired 'legal' freedom with their loss of basic necessities like land and housing. They were excluded from the new Capitalist System, and most of them earned a meagre living by fishing with primitive equipment and by working as stevedores, drivers and artisans. Many were somewhat permanently unemployed, forming a lumpen proletariat living on the margin of the plantation (sugar) economy.<sup>308</sup>

Moreover, the subservience of the

#### Reference 996 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Douglas Hall, 1978. 'The flight from the estates reconsidered: The British West Indies, 1838-42.' The Journal of Caribbean History, Vols. 10 and 11. Draft paper presented at the Southern Political Science Association meetings, Savannah, GA, November 7-10 2002 and at the University of Chicago. Dupon, J. F., 1977. «Contraintes Insulaires et Fait Colonial aux Mascareignes et aux Seychelles», Paris. Elliot, J. D. & Loughane, N. G., 1931. "Financial Situation of Mauritius". Employment Relations Act, 2008. Employment Rights Act, 2008. EPZ Act, 1970. Final report on the Mid-Term Review (MTR) of the MAAS – September 2010. Fogel, R.W. and Engerman, S.L., 1974. "Time on the Cross: The Economics of American Negro Slavery", 2 volumes, Boston: Little Brown. Frere W. E and Williamson, V. A., 1875. "Report of the Royal Commissioners [...] into the treatment of Indians in Mauritius", London. Gleadow, F., 1904. "Report on the Forests of Mauritius". Greenaway, D. and Lamusse, R., 1998. "Private and Public Sector Responses to the 1972-75 Sugar Boom in Mauritius. In Trade shocks in developing countries", Vol 1, Africa, 1998. Grynaviski Jeffrey D., 2003. 'Did Southerners Favour Slavery? Inferences from an Analysis of Prices in New Orleans, 1805-1860', mimeo. Hansard. millbank systems.com/sittings 1803-2005, year 1825. Hazareesingh, K., 1966. "The Religion and Culture of Indian Immigrants in Mauritius and the Effect of Social Change, Comparative Studies in Society and History, 8(2), 241-257". HC Deb 12 June 1835, Vol. 28. HC Deb 19 June 1835, Vol. 28. HL Deb 14 August 1833, Vol. 20. Hooper, 1937. "Report of the Commission of Enquiry into unrest et al. on sugar estates in Mauritius, Annex I".

Houbert, March 1981. "Jean Mauritius

#### Reference 997 - 0.01% Coverage

Mauricien, 16 février 1838.

88

Douglas Hall, 'The flight from the estates reconsidered: The British West Indies, 1838-42.' *The Journal of Caribbean History*, Vols. 10 and 11, 1978.

89 Douglas Hall, *op. cit*

#### Reference 998 - 0.01% Coverage

Chazal. *Nouvel Essai Economique*, 1935.

218 Hooper, Report of the Commission of Enquiry into unrest et al. on sugar estates in Mauritius, 1937, Annex I. 219 Hooper, *op. cit*. 220 Hooper, *op. cit*.

221 J. Chan Low. *The*

#### Reference 999 - 0.01% Coverage

maintained with their Indian origins.

To revert to the implementation of the Code Noir, stress should also be laid on the local practice that was a far cry from the legal prescriptions. Thus, as the Law prohibited official marriages between White and Black partners (Art. 9), concubinary unions prevailed, with no penal sanction. On the other hand, on Sundays, those Catholic Indian slaves were expected to attend mass and religious instruction, or the religious function on the owner's estate. In fact, hardly any Indian slave could benefit from such facilities. *Corvées* had to be performed on Sundays and religious Holidays. Besides, their occupation as domestic servants precluded them from benefiting from such legal weekly rest. Room-cleaning, cooking, serving at table allowed no break, not even on Sundays.

Truth and Justice Commission 465

#### Reference 1000 - 0.01% Coverage

mass of indentured labourers.<sup>55</sup>

The demographic burden which the Indian population represented, following the continued arrivals of the coolies in the country and which was to increase further, once the favourable conditions would encourage its natural increase locally, explained the decision of Mgr. Collier. The two Jesuit missionaries "found an Indian population amounting to 192,000 souls, entirely pagan, dispersed on the various sugar estates"<sup>56</sup> and the suburbs of Port Louis East. Father Boudou gave the following figures for 1871 which are equally significant:

"Out a total of 316

#### Reference 1001 - 0.01% Coverage

who number 51,955."<sup>57</sup>

With regard to the statistics of 1851 (see table below), established according to religious faiths, it is easy to notice the evolution of the Indian mission in 1891. Although we note, from the beginning, the "prodigious success" of the missionaries, the difficulty of getting in touch with indentured labourers because of their

dispersal on the sugar estates and their work schedules, suggest that their 'success' with the Indians was more real in Port Louis than anywhere else. However, IndoCreoles at Camp des Malabars were more easily converted because of their mixed origins than the Indian immigrants, less inclined to lose their identity by adopting a faith that was perceived as Western and that was not well-tolerated.<sup>58</sup> Those who, comparatively, accepted more easily to be converted were the Tamils.

Mauritius (1846-1891)

Years General

#### Reference 1002 - 0.01% Coverage

of the Grant-in-Aid

The conditions under which Indian immigrants were contracted to work on the sugar estates made no provision for the education of their children. By 1851, however, it was clear that large numbers of Indians were settling down in the island after the expiration of their contract. The harmful consequence upon society of a large population of children growing up in a "savage" state, forced itself upon Governor Higginson, who, in 1851, drew the attention of both the Local and the British Governments to their destitution, and the need to improve their state through education. But if it was difficult to induce the ex-apprentices to have their children instructed, it was almost impossible to persuade Indian parents to send their children to school. This, according to Higginson, could only be effected by a system of compulsory education. The matter was taken up in 1855 and, in the following year, grants-in-aid were offered to Denominational Schools. Ordinance No. 6 of 1856 stated, in the preamble,

"that a large portion of

#### Reference 1003 - 0.01% Coverage

pay off his return voyage.

His movement was confined to the estate and he had no right to pay visit to a friend or attend a funeral outside the estate boundaries. In case of default, he was caught and housed at the Vagrant Depot in Grand River North West and tried under the Law of rogues and vagabonds and he suffered corporal punishment. Fortunately, the Indian immigrant found in Alphonse Von De Plevitz a friend who showed marked sympathy to their cause. He was appalled by the treatment meted out to Indian labourers. Although married to a Franco-Mauritian girl, whose parents own an estate at Nouvelle Découverte, he encouraged them to put up a petition to Queen Victoria to redress the wrong done to them. The petition received 9401 signatures. The British Government reacted positively and appointed a Royal Commission to inquire into their complaints and to make appropriate recommendations. This was the first quest for Justice in Mauritian history. The findings and recommendations which ensued went a long way to put a stop to the inhuman treatment meted out to a community of individuals.

Political Reform

Although ex-slaves

#### Reference 1004 - 0.01% Coverage

oligarchy in the Legislative Assembly.

Truth and Justice Commission 498 extraneous conditions. Poorly-housed in Sugar Estate Camps, devoid of  
VOL 4: PART VIII – ECONOMY

#### Reference 1005 - 0.01% Coverage

pay of artisans and labourers.

A similar riot occurred in 1943 protesting against conditions of work and pay on sugar estates, in view of rocketing prices of consumer goods. This also culminated in a loss of life, including one pregnant woman named Anjalay Coopen. Further measures to improve conditions of the labouring class were recommended by an Inquiry Commission headed by the then Colonial Secretary, Mr. S. Moody. The Commission recommended, inter alia, the setting up of Industrial and Arbitration Tribunal and an increase of wages by 10%.

Before 1940, apart from limited

#### Reference 1006 - 0.01% Coverage

run on a sound basis.

4. A new class of psycho-sociologists and social workers generally should be employed to cater for the people residing on housing estates and in such other areas where poverty is rampant. A special class of trainers in small business enterprises should be appointed to support an emerging class of small entrepreneurs in the management of their ventures in order to avoid pit-falls.

5. Often linked with charity work, social work and psychological and sociological support are essential elements to bring about a new mind-set of people living in housing estates and in similar milieux. Efforts should be made to give social work its proper standing, including adequate remuneration, and to recognize voluntary work as worthwhile. Voluntary work should be encouraged among Mauritian citizens, and especially among young people.

6. Programmes, aimed at adding

#### Reference 1007 - 0.01% Coverage

television channels should be considered.

21. Regarding housing estates, put up by the C.H.A where 19,400 householders reside-roughly 125,000 individuals - there exists a serious problem of overcrowding. For instance, a 3-room apartment can sometimes accommodate as many as 12 individuals. Besides, many of the housing estates do not provide amenities such as playgrounds, kindergarten and do not have any community hall. This is not conducive to the welfare of the young generation who tend to be idle and demotivated.

22. The present rate of

#### Reference 1008 - 0.01% Coverage

upgraded to Rs. 4,000

23. Certain housing estates (residences) have been constructed with asbestos, a substance known as a serious health hazard. Such houses should be pulled down on a phase to phase basis, and new apartments allocated to such residents.

Truth and Justice Commission 501

#### Reference 1009 - 0.01% Coverage

in the field of Health

Providing a good health care is one of the means of preventing poverty through the prevention of sickness. The Government Medical Service has its origins in the provision of medical care under the Poor Law. Prior to Independence, there were 8 general hospitals, with 1642 beds and 46 dispensaries. There also existed 24 sugar estate dispensaries, with a total capacity of 494 beds. Over time, the sugar estate hospitals were phased out and in 1991, the Government Medical Service had four Regional Hospitals, five District Hospitals and four Specialized Hospitals. Private and Public Health Care also exist side by side; the former is serviced by about 50% of the physicians in the country.

Today, Mauritius has a highly

#### Reference 1010 - 0.01% Coverage

3 Ex-slaves after abolition

After the abolition of slavery, some estate-owners returned to Mauritius because of the state of lawlessness prejudicial to the whole island.

However, a number of new

#### Reference 1011 - 0.01% Coverage

for good.

#### 10.2 Religion

Rodriguans are of mixed origin and fall into two distinct groups; the descendants of the first Europeans settlers and the descendants of the first European settlers, and those of African and Malagasy descents who were ex-slaves on the sugar estates in Mauritius. As Rodrigues never undertook the extensive plantation culture, this explains why the Indian indentured labour never took roots in Rodrigues. The population stands about 37000 and is predominantly Christians, the majority of whom are Roman Catholics. There are a small community of Anglicans, legacy from the British Colonial rule and an even smaller community of Hindus and Muslims who were amongst the latest to arrive in Rodrigues as traders in the late 1890s. The Chinese traders also arrived around this period, but they right at the start fully-integrated the "Creole" community by marrying Rodriguan women. Churches are well attended on Sundays, and it is the main regular occasion for Rodriguans to dress up on an island where leisure activities are rare.

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#### Reference 1012 - 0.01% Coverage

#### SOCIAL LANDSCAPE Ethno-Spatial Organisation

Rodriguans interviewed stated that, after the abolition of slavery and when the colons departed from the island, they left their slaves behind and the latter settled on the inland. Historians, such as Berthelot (2002), have corroborated this settlement movement. She reported that, after the abolition of the Apprenticeship System in Rodrigues on the 4th June 1839, the apprentices left the estates to settle in the inland.

This local internal settlement movement is different to the settlement of the ex-slaves in its sister country. In metropolitan Mauritius, the former slaves left the sugar estates to settle along the coast, since the rural

regions were difficult to access and the Colons were concentrated in the urbanised part of the island like the Plaine Wilhems (the malaria epidemic, as well, impacted on the residential settlement of the Colons). In Rodrigues, the internal migratory movement was reverse; the Colons lived on the coast that was more developed, while the inner lands were wooded and not easy to access.

Furthermore, in Rodrigues, there was

#### Reference 1013 - 0.01% Coverage

to settle free of charge.

The working conditions, as well, were somewhat similar to that of the estate workers in Mauritius, although the

#### Reference 1014 - 0.01% Coverage

presents how the "Indians" could

engage in other economic and professional activities at the end of their contracts. Thus, many of them started new businesses or remained on sugar estates to work. They also became carters, hawkers, farmers, barbers, green grocers etc.

The parallel between the showcases

#### Reference 1015 - 0.01% Coverage

background of aventure du sucre

Inaugurated on 28 October 2002, l'Aventure du Sucre is the second private initiative that aimed at setting up a museum<sup>48</sup> and is considered as the first project of its kind in Mauritius by its instigators (Gufflet, 2003:4). The Museum is the result of the collaboration of Constance and La Gaité Sugar Estate Company Ltd., Deep River Beau Champ Ltd. and the Beau Plan Sugar Estate Company Ltd. The three sugar industry Companies joined forces to create L'Aventure du Sucre, presenting the history of the sugar industry in Mauritius and the evolution of its technologies. The idea emerged from the intention to convert Beau Plan Sugar Factory, closed on 22 July 1999 as a result of the centralisation of sugar production, into a museum, an initiative of Mr. Aldo Vallet, Chairman of the Company Sugar World Ltd.

The main purpose of the

#### Reference 1016 - 0.01% Coverage

celebrated by all" dixit Telfair.

The example of Telfair highlights his actions in favour of slaves. These initiatives are depicted with emphasis on his intentions to ease the work of slaves during cultivation. Telfair is an emblematic character in the sense that he allowed his slaves to learn to read and write "so as to enable them to read the Bible and write". "Mr. Telfair is the only person in the Colony who permits elementary instruction to be given to his slaves" (Anti-Slavery Reporter, No. 87, August 20, 1831). The conditions on Telfair's sugar estate are described as an 'exception' in the same report of 1831, in which the case of 220 complaints of slaves against their Masters are reported. Indeed, the action of Charles Telfair, Secretary to the former Governor Farquhar, is confirmed by Vicars who states that he "has instituted schools for the children, and encouraged the pious exertions of

different missionaries on his estates" (Vicars, 1830:13).<sup>53</sup> Telfair also wrote 'Some Account of the State of Slavery at Mauritius since the British Occupation in 1810; in refutation of anonymous charges promulgated against Government and that colony' in 1830, in response to the reports of the Antislavery Monthly Reporter that reported the death of 65,000 "Black human beings have been put to death by a hundred holders of sugar estates in six years" and "the sheets of the Reporter containing accusations against Mauritius and Myself [Telfair]" (Telfair, 1830:i).

Telfair refutes the accusations of

#### Reference 1017 - 0.01% Coverage

##### MAURITIAN NATION – MEMORY AND REPRESENTATIONS

□ Panel 4: About families; □ Panel 5: Arrival and recruitment by the sirdars and planters; □ Panel 6: Definition of the contract; □ Panel 7: End of indenture: emergence of villages and "petits planteurs"; □ Panel 8: The sugar estates; □ Panel 9: Work in sugar cane fields.

The panels –as in the

#### Reference 1018 - 0.01% Coverage

y apportant une aide matérielle."

The few experiences of Planters allowing the setting up of temples on sugar estates become here a general statement. The display recalls only the positive element and once more – as it did for slavery- stressing not only the positive contribution of Planters, but also the existence of a close relationship between the Planters and the indentured labourers, even though the Planters are portrayed as the ruling Aristocracy, thanks to whom slaves or indentured labourers could evolve favourably. Planters are, in this sense, those opening a window on a better life for the dominated segments of the population.

A positivist discourse

We may

#### Reference 1019 - 0.01% Coverage

the slaves' lives in museums.

The Boutique Chinoise is reconstituted besides the life on sugar estates. It is the element retained to symbolize the major role of the Chinese descent population in the economic and social development of society. Both representations are relevant examples of how retracing the origin of heritage brings to light the cultural inputs brought by the slave population, retailers and small traders and how they contributed to the creation of a national heritage ultimately leading to the shaping of Mauritian culture.

Truth and Justice Commission 845



**Name: References to Eviction in Mauritius Report**

<Files\\Mauritius Report> - § 11 references coded [0.02% Coverage]

**Reference 1 - 0.01% Coverage**

**AND ORIGINAL RICHE TERRE PLANTERS**

The history of the métayers (share croppers) was brought to the Commission's attention as a result of representations made by métayers in the South of Mauritius. The Commission decided to investigate further for several reasons. First, although they have grown sugar since the days of indenture (1840s), they have never owned the land and can be evicted at any time. They have, like many other groups in Mauritius, been the victims of restructuring of the Sugar Industry. A history of metayage appears in Volume 2 and in Volume 4. In the past, eviction could occur at any time, when their leases ended, when sugar was no longer required, or when the land was required for other more profitable purposes. What is the future of métayers in the new economic configuration? What future do they have? Today, the lands which they occupy and have been associated with for generations, considered 'marginal' at the time, have been 're-labelled' 'strategic' zones today, and are worth millions. The sugar estates have played their historic role, as they always have; they have disposed of labour when no longer required, and shifted labour where work was required, intimidated and used all the legal arsenal at their disposal to maintain their property. What is reprehensible is the role of

**Reference 2 - 0.01% Coverage**

method of payment was created.

Visibly, there was a notable lack of consultation, by any party, with the people living on the island of Diego Garcia or the other Chagos islands. The islanders had coexisted with military facilities before, and no one told them that they were all to be evicted from the Chagos in its entirety.

The British Government was intent

**Reference 3 - 0.01% Coverage**

carrying them off the island.

On 28th September, the last 35 of the 1, 200 people who were in the Chagos carried their own baggage aboard the overcrowded vessel, forced to leave behind their most valuable possessions. The evicted Chagossians had been dumped in Mauritius and most of them headed for life in urban slums.

In October 1972, the U

**Reference 4 - 0.01% Coverage**

Her husband died in 2003.

She says that she actually lives on the property of the R.P.A de Ravel Company at Tamarin, Route Royale La Mivoie. The actual proprietors have tried to evict all the inhabitants living on the plot of land belonging to the de Ravel Company

The proprietors have asked them

#### Reference 5 - 0.01% Coverage

received a building permit for constructing a house there. But, without informing his family, he sold the land. Later, applicant's son received a notice of eviction from the Court. It was then and only that applicant learnt that the land had been sold. She made a request to

#### Reference 6 - 0.01% Coverage

considers as unacceptable social behaviour. Problems of land and space in the Cité are exacerbating these tensions as residents who were living on Li Mo Yo's land will soon be evicted and they need to find a new place. ...me parfwa kreol la si

#### Reference 7 - 0.01% Coverage

and later on were registered. This second wave of settlement was in around the 1980s, from 1975 until 1982. For example, the uncle of Nicole was evicted from his house for non-payment of lease and Nicole settled in. ...Mo tonton ti abiti la

#### Reference 8 - 0.01% Coverage

grandmother of Baba is dead...) Some inhabitants left the locality because they moved elsewhere or they were evicted for nonpayment of rent and settled nearby. They could not afford to pay their lease because of financial problems such as they were unemployed, underpaid and spent their meagre income on buying alcoholic beverages. For example, the Aimée and

#### Reference 9 - 0.01% Coverage

better conditions on another estate. When dismissed, they could no longer stay on the estate camp and, as Dananan testified, they were given one week to move out. Thus, within one week, they had to find a new work and living places. Most of the time, they lived on the same estate where they lived. There was no Law to protect the estate workers' rights, such as in instances of forced dismissal and to regulate notices of eviction and compensation. For example, in 1960, after

#### Reference 10 - 0.01% Coverage

figure of 1,579 individuals.

As a matter of fact, the process of eviction started in 1967, when the UK stopped the regular supply ship and the return and new inflow of workers. Plantation workers were forced to abandon their homes. Life became miserable for them, when they were uprooted and shipped to Mauritius on board the 'M.V. Nordvoer' in 1971/1972. They had very little belongings with them. The final voyage of 'Nordvoer' was effected on May 1973, transporting 8 men, 9 women and 29 children from Peros Banhos. The displacement from the Chagos was complete.

Living Conditions in Mauritius - Prosser

#### Reference 11 - 0.01% Coverage

to Family Graves in 2006

An emotional homecoming for some 100 elderly Chagossians, who had wanted for a long time to visit the graves of family members, took place in March 2006. They travelled on board the Mauritius Trochetia. Feelings of nostalgia ran very high, when the Chagossians set foot on the islands after their eviction some 33 years ago. The visit, which lasted ten days, was given extensive coverage in Mauritius and beyond.

Marine Protected Area

On 1st

## **Name:** References to Expropriation in Mauritius Report

<Files\\Mauritius Report> - § 10 references coded [0.03% Coverage]

### Reference 1 - 0.01% Coverage

a necessary corollary to emancipation.

The colons (the term used at the time) referred to the Code Noir (1723), where it was stipulated that the slave was a bien meuble (Art. 39). Thus, they saw abolition of slavery as an expropriation of their property, and not as a humanitarian gesture. The Commission appointed in Réunion to oversee the emancipation process, saw matters rather differently:

1. It did not believe

### Reference 2 - 0.01% Coverage

the owner and the slave.

Victor Schoelcher had also recognised the need for slaves to obtain compensation. He had gone even further: he had advocated giving a plot of land to every slave and the expropriation of all lands obtained by colons from the beginning of colonisation. All of these were rejected, however, by the Provisional Government.

Others in Réunion were of

### Reference 3 - 0.01% Coverage

intrinsic value in public policy.

□ Free public access to the mountains, woods and forests, rivers and streams and beaches, seas of Mauritius needs to be created, with expropriation, if necessary, if Mauritius does not want to face growing social unrest in the country.

□ The role of the Co

### Reference 4 - 0.01% Coverage

vente

Case hypothécaire Constat Report

Depossession, Dessaisir, Expropriation Mutation de propriété Récépissé

Règlement à l'amiable Répertoire

Sous

### Reference 5 - 0.01% Coverage

appartenant au moyen des présents.

Les dits biens appartiennent au vendeur pour les avoir acquis savoir les esclaves de divers auxquels il en a payé le prix de ses derniers et les terrains suivant contrat passé devant Me. Jollivet l'un des notaires soussignés qu'en a garde la minute et son collègue le 10/09/1828 enregistré le 20 du sieur Lagoardette

agissant au nom et comme fondé du pouvoir spécial du sieur Joseph Lousteau à qui lui appartenaient pour s'en être rendu adjudicataire à la barre du tribunal de première instance de cette île le 09/05/1825 par l'entremise du dit sieur Lagoardette fondé de son pouvoir spécial sur la vente par expropriation forcée poursuivie à sa requête sur les sieurs Julien et Charles Spéville suivant procès verbaux de mises d'enchères et adjudication en date à la fin du dit jour 09/05/1825 étant en un cahier extrait des minutes du greffe du dit tribunal.

Le dit Pierre Spéville avait

#### Reference 6 - 0.01% Coverage

W. Mills proposes that European

expansionism in its various forms such as expropriation, slavery, colonialism, settlement brought the concept of race into existence globally. According to Mills, those termed Whites are the bringers of civilization per se; they are the ones who built the legal system and the society from scratch in a land where according to their outlook was bare; which is a concept marvellously encapsulated in a book published in Mauritius entitled, "Les Défricheurs de L'île Maurice", meaning those who weeded Mauritius although there are some serious speculations as to whether the colonists actually did the weeding themselves.

Mills makes his point by

#### Reference 7 - 0.01% Coverage

writing on women to the

conspicuous absence of Blacks in classical philosophy. He points out that a collection of explicitly racist statements about Blacks quoted from major works in the Anglo-American canon would not be a particularly thick document.<sup>4</sup> The relationship of Blacks and Whites in American society is always set in terms of polarity, those termed Whites have the moral, religious and judicial standing that has lifted them above the other "races" and they have been the expropriators while others have been the expropriated. They have been the Slave-owners while others have been Slaves.<sup>5</sup> However, the problem of Mauritius is much more complex than that; the polarity between Whites and Blacks exists although not as prevalent as in the United States because Whites represent a very small minority in the population (albeit a very affluent one) and by virtue of their higher economic status, they can afford to forfeit the use of some services such as public bus system and

Truth and Justice Commission 270

#### Reference 8 - 0.01% Coverage

The model considers that slave

prices may be sensitive to changes in the value of the goods (that is sugar) that they produced. This occurred because slave-owners expected to be able to expropriate the earnings from their slaves' labour for a longer period of time. Third, we test whether there was a change in attitudes about slavery over time. We specifically account for whether there was a change in expectations among planters about the long-run viability about slavery, and account for the "regime shift" during the periods 1810 and mid-1830s in the process that determined slave prices.

The Mincerian pricing model is

#### Reference 9 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

to the sugar cane harvest season. The model has considered that slave prices may have been sensitive to changes in the value of the goods (i.e. sugar) that they produced. This occurred because slave owners expected to be able to expropriate the earnings from their slaves' labour for a longer period of time. Third, we tested whether there was a change in attitudes about slavery over time.

Our findings reveal that there

#### Reference 10 - 0.01% Coverage

slave's labour by the owner.

Since the value of the slave is the present value of the wages expropriated (net of upkeep and monitoring costs) we can write the expression for the value of the slave as follows:

$NPV = \sum_{t=0}^{\infty} \frac{w_t - k}{(1+r)^t}$

$t = L$

**Name:** References to Farm in Mauritius Report

<Files\\Mauritius Report> - § 77 references coded [0.24% Coverage]

Reference 1 - 0.01% Coverage

INCREASED ECONOMIC AND SOCIAL EQUALITY

36. THE CREATION OF A LAND BANK with plots of land for farming and other entrepreneurial activities so that anyone who is a descendant of slave and indentured who has never owned land before and who wishes to engage in an activity that promotes autonomy be allocated a plot.

37. A JUNIOR SAVINGS ACCOUNT

Reference 2 - 0.01% Coverage

TO MANUAL AND TECHNICAL JOBS.

Too much emphasis is laid on white-collar jobs. In addition, entrepreneurship and subsistence farming should be further encouraged.

52. LAND SETTLEMENT SCHEMES FOR FARMING, LIVESTOCK-KEEPING, INCLUDING PIG-BREEDING, To BE MADE AVAILABLE.

53. PROVISION OF AN 'ETHNIC

Reference 3 - 0.01% Coverage

are really sustainable or not.

89. TO ESTABLISH VEGETABLE GARDENS AND SMALL FARMS ATTACHED TO SCHOOLS TO PROMOTE RESPECT FOR MANUAL LABOUR AND/OR PRODUCERS OF HAND MADE PRODUCTS.

Visits by schools to be reintroduced to farms, factories, nature reserves in smaller groups than at present to enhance enjoyment of the site.

90. THE CURRENT APPROACH OF

Reference 4 - 0.01% Coverage

a Food Program in Agalega

An intensive training program, adapted to the island conditions, and starting at school level, could be launched. Very often, experts learn through the experience of local people. The contribution and advice of elders, with their experience of Agalega, should thus be sought, and plots of land, on a symbolic rental basis, could be allocated to interested families, for gardening and/or farming.

iv. v.

Bassin Capucin, the

Reference 5 - 0.01% Coverage

and/or farming.

iv. v.

Bassin Capucin, the only pool in the North, can be exploited for farming, especially the breeding of ducks. A place in the South called tranche, can also be exploited. Training in this connection is needed. Seychelles expertise could be sought in farming. Sharing between Agaleans and Seychellois in different fields would be beneficial.

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#### Reference 6 - 0.01% Coverage

imports and supplies to slaves

The shift to a single cash crop economy was accompanied by much increased imports of rice and wheat from Madagascar, India, South Africa and other countries. On many estates, slaves were temporarily given plots on which they were allowed to farm vegetables and rear animals. They were also provided with rations every day of every week. None of these could actually ensure an adequate supply and variety of food to slaves. Owners who preferred to distribute rations depended on their availability and their own financial liquidity, quite apart from their own willingness to follow the legal requirements which were quite low. Moreover, locally-grown supplies were often destroyed by cyclones and drought, causing serious shortages bordering on famine. It is not known what each estate actually produced and whether this was sufficient.

A 70-kg male slave

#### Reference 7 - 0.01% Coverage

##### 2. Road and canal construction

A large number of roads and bridges were built using corvée labour, while many were repaired by the slaves, but the numbers employed in this work were never sufficient. Several hundred more were needed. The Governor noted with concern that many European families were leaving the islands at this time, and he needed to give them more encouragement to stay. Giving them carts pulled by 4-5 oxen would be one incentive, so that slaves could be released for work on the farms rather than in transporting goods to town. Hence the need for good roads :

«J'ai fait réparer les principaux

#### Reference 8 - 0.01% Coverage

cramps and check excessive evacuation.

Significant outbreaks of Malaria occurred in 1856 - 1859, 1862 and 1865. But the first serious epidemic struck the Island in 1867. It was a major calamity causing 40, 000 deaths in a population of 333, 000. Ronald Ross qualified the epidemic as the greatest disaster in Mauritian history. Thereafter, Malaria remained endemic in Mauritius until 1950's. The result was a serious source of wastage in terms of manpower and money, through deaths and reduction of population; loss of manual labour in plantations, factories, farms etc; sickness among labourers and officers, incapacitation and deaths among higher officials and soldiers.

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#### Reference 9 - 0.01% Coverage

abolition; □ Ex-slaves were lazy.



More importantly, there is no differentiation made between the slaves. Just as under slavery, a hierarchy existed, there were also as many differences among ex-slaves: their ethnic origins and whether they were Mauritian-born or foreign-born; whether they lived in rural or urban areas; whether they were skilled or manual workers; whether they were males or females. Some were Government slaves, others had been private slaves, some had families who had lived for generations on one estate, while other slaves (termed unattached) had been moved from estate to estate all their lives; some had marooned, others had been manumitted many years before. Their age influenced their movements, as has been seen in the case of VRS today. In other words, each had their own perceptions of what they wanted out of freedom. Thus, a female slave who had been forced to leave her children and forced to work on a plantation during the era of sugar expansion, had no desire to return to work there, but this does not mean that she would not have appreciated a small plot of land to build a house and farm some vegetables after abolition. Similarly, a skilled slave, earning wages, would not necessarily wish to leave the sugar mill: under slavery, he would have been one of the few slaves to have earned a wage, be allowed to marry whoever he wished and have a surname.

The Magistrates, visiting the districts

#### Reference 10 - 0.01% Coverage

from labouring in cane fields

Most of the elderly sugar estate workers interviewed began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired. This had two important ramifications. Firstly, it meant that during the inter-crop season, when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting brèdes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>352</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase what would satisfy almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.

The susceptibility of labourers to

#### Reference 11 - 0.01% Coverage

reasonable prices.

##### 7. Pig-breeders

Pig-breeding is one of the oldest farm occupations in Mauritius. During the Dutch occupation, pig meat was one of the main sources of animal protein to the small colony of European and slaves. This activity was further intensified during the French occupation, as the population increased. Slaves were assigned the task of feeding the animals on sweepings, left-overs and root crops such as sweet potatoes, manioc etc. Livestock and goat-keeping were also undertaken by slaves. Pig back-yard rearing continued to be a common feature throughout the island without restriction. With the advent of the indentured labour immigration, Muslims and some Hindus being non-pork eaters, care was taken to restrict pig-breeding near them. Most sugar estates continued, however, to keep large sties, and this occupation was assigned to Creole workers. During the period covered by slavery, the noblest parts of pork carcasses were destined to the masters and the rest

of the animal to the slaves who had the right to a diet consisting of meat once a week. Pig production and consumption are a tradition which has stood the test of time. Many slaves were initiated in the art of pig-processing by their French masters; many recipes originating from Brittany, were introduced by the French colons and are still in use to this day, both in Mauritius and Rodrigues.

After the abolition of slavery

#### Reference 12 - 0.01% Coverage

workers and members of the

family as a side occupation. It was a common feature on the outskirts of towns and in big villages where many Creoles lived. Many Creole families relied on pig-breeding as a side income. Many breeders would fatten their animals and dispose of them at the end of the year to pork-traders. Hence, the Creole expression to in van to cochon (Eng Trans. you have sold your pig), meaning that he has used the money received from the sale of his farm animals to buy himself a new suit. Pig and pig products were, and continue to be, the main stay in the diet of Creole families during festive occasions.

Restriction on pig-breeding

By

#### Reference 13 - 0.01% Coverage

activity.

Pig breeding Co-operatives

The initiative of pig-breeders of Roche Bois to set up a Co-operative Society was followed by breeders in a few other localities, and a Federation of Pig-Breeders was set up. As a result of formal registration, the voice of pig-breeders made itself heard. The Port Louis Municipality decided to grant a pork stall to the Federation for the sale of pork meat. This was a great landmark in the history of pig-breeders, a class of producers who had, for generations, been the subject of shameful exploitation by butcher/ traders bouchersabattant. For the first time, a direct link between producers at farm gate and consumers had successfully been established. The Port-Louis Market is the main centre for the sale of fresh pork. Every day, a Chinese tradesmen would sell pork at the pork stalls to people in quest of fresh pork. The operation of the co-operative stall came to break the cartel of unscrupulous traders/butchers, and the move was considered as a laudable initiative.

Decrease in number of large

#### Reference 14 - 0.01% Coverage

number of large pig breeders

To fill the void in the short supply of fresh pork and pork products, a few big entrepreneurs, including sugar estates, decided to go in for pig-breeding on a large scale. Their venture was, however, short-lived in view of the sharp increase in the price of imported feed and fierce competition from imports of pork carcasses and processed pork products. As returns on investment became more and more unattractive, contraction in this farm occupation became inevitable.

Integrated Pig Marketing Project

Encouraged

#### Reference 15 - 0.01% Coverage

inevitable.

Integrated Pig Marketing Project

Encouraged, however, by the success of the Mauritius Pig-Marketing Federation, the Government agreed to put up a processing plant in order to cut down imports and help to maintain a direct link between production at farm gate and consumption, whether fresh or in a processed form.

The plant was put up

#### Reference 16 - 0.01% Coverage

in 1982 and started successfully.

At the same time, for the first time in the history of pig-breeding, Government agreed to release a plot of State Land of 25 arpents on long-term lease for a small holding pig farm. The lease was granted to the Plaisance Pig Credit and Marketing Co-operative Society in 1984 to be onlet to its bona fide pig breeders.

In view of the innovative

#### Reference 17 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

It did not take long before both the Terre Rouge Meat-Processing Plant and the pork stall in Port Louis had to close down, after sustaining accumulated losses. Poor management skills, coupled with a conflict of interest between producers at farm gate and management of the plant, witnessed a slow disaffection of breeders, paving the way for private traders to come on their own again. Although vested interests in the importation of pork products and the operation of a private processing plant have contributed to the collapse of the Federation's activities, the interest in pigbreeding has not been destroyed.

The La Ferme St. Martin small holding co-operative farm continues to be the main source of supply of fresh pork to the market. A similar project has also been implemented at Bassin-Requin in Poste de Flacq on a plot of State Land and groups some 15 professional breeders. While the La Ferme St. Martin catered solely for the reinsertion of breeders on the outskirts of the township of Beau-Bassin /Rose-Hill, at long last, a further plot of 10 arpents has been released this time to accede to a long-time request of breeders in Roche Bois. This project is ongoing and will, during a first phase, allow the construction of some 30 sties. Further breeders are expected to obtain clearance for the construction of additional sties, as soon as proper infrastructures have been put up for waste disposal. Although the La Ferme St. Martin region is far from human habitations, pig-breeding, on a large scale, was bound to create a problem of waste disposal. Government is conscious of the environmental problems posed and is presently putting up the necessary infrastructures for the disposal of waste.

Present situation of pig-industry

#### Reference 18 - 0.01% Coverage

of pig-industry and recommendations:

State Land was made available under the small holding scheme for the rehabilitation of pigbreeders, and it is hoped that this age-long farm occupation will be maintained. The prevalence of African swine fever in Mauritius could have witnessed the disappearance of pig-breeding altogether, had not the authorities acted

promptly in providing both technical and financial assistance to breeders. Thanks to the operation now in its second phase of the La Ferme St. Martin small holding project and the contribution of a few other breeders, Mauritius can well reach self-sufficiency in pig meat and processed pork products, around 1,500 tons, by 2015. The soaring Tourist Industry is a good omen for an increase in demand of pork products, but the quality of animals at Farm Gate must be good, if imports are to be substituted.

A separate organization must, however

#### Reference 19 - 0.01% Coverage

loss of land to cultivate.

□ There is a strong emotional attachment to the land farmed by forefathers.

□ Immense amount of agricultural activities

#### Reference 20 - 0.01% Coverage

included in the compensation calculation.

□ Property rights are not the only consideration as métayage has immensely benefitted the sugar estate owner: cheap labour, sugar produced on land that he would find difficult to farm (poor soil, sloping or rocky land).

□ Calculation of compensation was based

#### Reference 21 - 0.01% Coverage

sector (with no industrial structure);

□ Brain drain over the years; □ Production is based on traditional farming systems using little inputs and adds little value;

□ The 3 core pillars of

#### Reference 22 - 0.01% Coverage

sector (with no industrial structure);

□ Brain drain over the years; □ Production is based on traditional farming systems using little inputs and adds little value;

□ The 3 core pillars of

#### Reference 23 - 0.01% Coverage

was a fact of life.

Rodrigues Island provides an interesting contrast to Mauritius as there has never been any cane production in view of the nature of the soil and lack of precipitation. There the post emancipation outcome was different as there was no divorce from the land and liberated slaves did not abandon agricultural activity because they were given land to farm after abolition. Agriculture continues to be the mainstay of the economy on the Island up to this day.

The time of consciousness  
Despite

#### Reference 24 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

6. allocation of plots of land under a small holding scheme, to facilitate cropping and animal farming
7. introduction of Mozambique and

#### Reference 25 - 0.01% Coverage

and slaves long since dead.

THE COMMISSION RECOMMENDS: 93. The creation of a Land Bank with plots of land for farming and other entrepreneurial activities so that anyone who

#### Reference 26 - 0.01% Coverage

to manual and technical jobs.

□ Too much emphasis is laid on white-collar jobs. In addition, entrepreneurship and subsistence farming should be further encouraged.

Land settlement schemes for farming, livestock-keeping, including pig-breeding, to be made available. Provision of an 'ethnic sensitive service' in all government services,

□ be it in the hospitals

#### Reference 27 - 0.01% Coverage

are really sustainable or not.

190. To establish vegetable gardens and small farms attached to schools to promote respect for manual labour and/or producers of hand made products.

191. Visits by schools to be reintroduced to farms, factories, nature reserves in smaller groups than at present to enhance enjoyment of the site.

192. To fund and encourage

#### Reference 28 - 0.01% Coverage

sector (with no industrial structure);

□ Brain drain over the years; □ Production is based on traditional farming systems using little inputs and adds little value; □ The 3 core pillars of the economy (Agriculture, Tourism and Micro enterprises) are underdeveloped. The Rodriguans face serious constraints as they operate in isolation, with little upstream and downstream linkages.

##### FISHING

□ Over-fishing in lagoons

#### Reference 29 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

An intensive training program, adapted to the island conditions, and starting at school level, could be launched. Very often, experts learn through the experience of local people. The contribution and advice of elders, with their experience of Agalega, should thus be sought, and plots of land, on a symbolic rental basis, could be allocated to interested families, for gardening and/or farming.

ii. Bassin Capucin, the only pool in the North, can be exploited for farming, especially the breeding of ducks. A place in the South called tranche, can also be exploited. Training in this connection is needed.

iii. Seychelles expertise could be sought in farming. Sharing between Agaleans and Seychellois in different fields would be beneficial.

260. Environment i.

i.

People

#### Reference 30 - 0.01% Coverage

big "indigoterie" was established near

Pieter Both. He wanted the farmers to act like "little lords", thus establishing the tradition of "gentlemen farmers". He set the example on "Mon Plaisir", where he created the first Botanical Garden. Very quickly, an active and industrious environment was to be imposed in the areas of Calebasses, Maison Blanche and Rivière-du-Rempart. Large establishments and farms with stables, barns, pigsties, poultry and pigeon breeding were set.

"Le 12 mai 1759, une

#### Reference 31 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

persons of colour were farming more than 9 percent of all cultivated land in the colony. It is impossible to determine the value of free coloured possessions or economic activity at this point in time with any precision, but estimates of the value of the land, slaves, and livestock they owned and the value of their agricultural production suggests that Gens de couleur accounted for approximately 10 percent of the island's agricultural and related wealth in 1806.<sup>18</sup>

The 1810s and 1820s witnessed

#### Reference 32 - 0.01% Coverage

not take the procedures further.

The applicant declares that at present, there are sugar cane plantations, a poultry farm operated by "Innodis Ltd." and houses built on the plot of land.

His requests to the Commission

#### Reference 33 - 0.01% Coverage

and a return to agriculture.

The consequences of the divorce of Creoles in agriculture have proved damaging in that it has destroyed in them the urge for land ownership and a sense of entrepreneurship in agricultural Society. However, there is now a hue and cry from people of this category to return to agriculture and other farm activity.

THE COMMISSION RECOMMENDS

The Commission

#### Reference 34 - 0.01% Coverage

2 Potential Heritage Sites -----	
----- 150	
5.3 Occupation patterns in the 20th century -----	
----- 160 Small Scale Farming: -----	
----- 164 Contemporary occupation patterns -----	
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5.4 Education -----	
----- 174 Other	

#### Reference 35 - 0.01% Coverage

the weight of these changes.

For example, one main negative outcome is that they are denied access to the mountain and land for small-scale farming because it is private property as testified by Varnanaden Veerapen ...Ti enn terin lagrikultur sa zordi terin la inn konverti...pe morsel pe cande...18 (Eng. trans. It was an agricultural land. Now they converted the land...it is being divided and sold).

The recent residential developments and

#### Reference 36 - 0.01% Coverage

their laundry in the river.

The appropriation of the surrounding natural waterways and of the mountain transformed these natural features into domestic spaces for the local residents. The use of natural landscape by the inhabitants includes farming land, residential places (where the camps were located) and laundry places.

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#### Reference 37 - 0.01% Coverage

family' crossing religio-ethnic barriers.

The Labour Ordinance of 1922 provided that estate owners had to provide housing facilities to the labourers employed on estates. In keeping with the testimonies, this practice continued beyond the the abolition of the indenture system in and were incentives for people from neighbouring regions such as a Cascavelle and Henrietta and sometimes as far as urban regions to come and work for the estates. The main incentives

mentioned in the interviews were wood to construct houses, plot of land to farm and the possibility to have their own gardens for subsistence.

From the oral testimonies gathered

#### Reference 38 - 0.01% Coverage

enjoy when being property owner.

In view of the fact that distribution of individual plots of land to slaves for farming activities was common practice in the later years of slavery<sup>113</sup> a question can be raised, were these families really landowners or was the land under usufruct and with time and attachment to the land, the descendants of these families appropriated it or conceived the land as being theirs?

Indeed, in line with Teelock (1998, p.171), such scenario was feared by the slave-owners who 'were apprehensive about giving slaves land to farm individually in the eventuality that they begin not only to develop a certain amount of economic independence but worse, in the planter's mind, begin to look upon the land as their own.'

Therefore, these alleged cases of

#### Reference 39 - 0.01% Coverage

illustrated by the genealogical trees.

For example, Maurel, De Ravel and Pilot/Koenig families were the main employers in the 18th and 19th centuries. These 'Franco-Mauritian' estate owners had the monopoly of the economic life in the region as they controlled farming activities, aloe production, sugar cane plantations and salt pans.

Until early the 20th century

#### Reference 40 - 0.01% Coverage

paid domestic workers and fishermen.

Small Scale Farming:

Field research uncovered that the villagers and especially the Marathi-speaking inhabitants also practised small-scale agriculture and animal farming on estate land at the foot of La Tourelle du Tamarin Mountain and in Sime Gorz. They reared animals and cultivated land for subsistence and surplus was sold or bartered. Although small agriculturists continued to cultivate land, by the mid 20th century, farming was no more being practised. The last garden was identified in around the 1980s. As Nicole testified, agriculture and farming gradually stopped with the expansion of hunting grounds and sugarcane fields.

There were plantations along Sime

#### Reference 41 - 0.01% Coverage

their land for residential development.

The following sites were identified where people in the past used to practise small-scale farming. These places are still alive in the collective memory and they constitute the tangible and intangible heritage of the local inhabitants:

1. Karo Kasi (Eng. trans



#### Reference 42 - 0.01% Coverage

##### LE MORNE – PAST AND PRESENT

In summary, the Le Morne skeletal population appears to have been reasonably well nourished and to fit with the expected statures of the populations that have contributed to the Mauritian population, but shows evidence of over-use of certain parts of the skeleton. Whilst the lack of evidence of stress and nutritional inadequacy differentiates the Le Morne skeletons from slave samples from the New World, this does not mean that the Le Morne cemetery does not contain slaves. Rather it seems to suggest that the conditions of slavery in the south of Mauritius would have been different to those on the large plantations of the New World. Plantation slavery was certainly common on Mauritius, but the area of Le Morne Brabant is not suitable for such cultivation methods due to its aridity. Instead, subsistence farming with some livestock appears to have been the main activity in this area, and the diet was probably supplemented by hunting and fishing (Teelock, pers. comm.). Such an interpretation is supported by the slave registration of 1826 (Teelock et al n.d.), in which occupations include fisherman, hunter and guardian of cattle as well as the more familiar categories of labourers and servants (although these latter categories dominate the sample).

2. What is the significance

#### Reference 43 - 0.01% Coverage

confirm this until the mid1860s.

According to records of the Immigration Department, Ramdhun's father was Sookloll and Lolytah's father was Goonooa and they both belonged to the Ghausee caste which is actually a sub-caste within the Vaish caste which specialized in the rearing of farm animals.

They were both from the

#### Reference 44 - 0.01% Coverage

work as field labourers.<sup>2</sup>

Mobility was restricted on a sugar estate even after indenture. The majority remained in occupations related to the sugar industry: in the fields or the mill or in associated sectors such as work as mechanics of machines, drivers of lorries etc. Sugar was the only major crop grown at that time. Additional income was derived from cow rearing and selling milk by women, poultry and goat farming, providing domestic help, growing vegetables etc.

Mobility occurred within the sugar

#### Reference 45 - 0.01% Coverage

by the AGTF's research assistants.

The other reason why Benedict suggests living conditions in villages were superior to those in estate camps is because they were less isolated and enjoyed access to social services and recreational facilities funded and maintained by government and village councils. Some of these amenities included public fountains, medical dispensaries, government schools, agricultural services, public transport, electricity, police and fire protection, shops, cooperative credit societies for small planters, post offices, social welfare centres, football

fields, cinemas, and religious organisations and edifices. But as Benedict (1961:56) points out, even in spite of these advantages, the economic fortunes of most villagers in Mauritius still principally derived from labouring in the cane fields. (In fact, most of the elderly sugar estate workers interviewed by the AGTF's research assistants began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired.) This had two important ramifications. Firstly, it meant that during the inter-crop season when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting bredes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>94</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.<sup>95</sup>

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#### Reference 46 - 0.01% Coverage

of the labourers for payment.

The testimonies on wages paid varied, but these discrepancies arose from different working periods. Furthermore, when comparing the estate remunerations practices, slight differences were identified in the remuneration of labourers. Nevertheless, overall, wages remained low as illustrated in the examples below. Minimal wages kept the estate workers in poverty and had various collateral consequences. Low wages fostered child labour, forced women to work and promoted small-scale farming.

The Royal Commission Report (1909

#### Reference 47 - 0.01% Coverage

Law.

#### 3. LIVING CONDITIONS Subsistence

Motivated by the willingness to improve their living conditions and to offer to future generations opportunities of a better life, the respondents worked hard and tried, as much as possible, to make savings. Subsequently, several interviewees testified that they were horticulturalists<sup>119</sup> and that their parents were métayers. These activities, small-scale farming and sharecropping, were alternative economic avenues.

For example, Satianand's family was poor and to make ends meet, they practised small-scale farming; they cultivated land and reared cattle for sales. His father worked as labourer and was a métayer as well. His father and uncles rented a field in Clemencia (located on the West Coast Southeast of Camp de Masque Pave) of approximately 1 arpent or 1½ arpent. It seems that it was marshy land and between 1944 and 1945, they cultivated rice. Gradually with the savings they made, his father and uncles bought two or three plots of land.

Many of the estate workers interviewed lived a semi self-sufficient lifestyle. They practised smallscale farming as a means of subsistence and as a source of additional income as well. They cultivated vegetables and fruit, mostly, cassava, potatoes, sweet potatoes, pommes d'amour (Eng. trans. tomatoes), banana and chou chou (Eng. trans. chayote or christophene). They reared livestock, mostly cows for milk and chickens, for their personal consumption, and they sold the surplus.

...Li ti plante avec li

#### Reference 48 - 0.01% Coverage

of the dangers of overconsumption.

However, it should be stressed that even though it is a popular belief that all the descendants of Indian immigrants were/are small planters, which implies that they lived a semi self-sufficient lifestyle, in fact, some of the respondents did not practise small-scale farming. Since they lived in estate camps, they were provided with free ration and they were dependent on the consumer market. The credit facilities that the shopkeepers offered to their clients ensured that the latter could feed themselves.

...Zot aste manze? Wi laboutik

#### Reference 49 - 0.01% Coverage

being little evidence of subsistence

farming in Mauritius at the time he was conducting fieldwork, I must confess I find it somewhat hard to believe that smallholders or rentiers who grew vegetables or reared livestock did not consume any of the natural products they produced. This much is confirmed by referring to the ARLD of 1948, which shows that based on a household survey of sugar estate workers living in estate camps and villages, 11% of estate-camp households produced food for their own consumption as compared to 25% of village households (ARLD 1948:28-31). 96

According to the Balogh Commission's

#### Reference 50 - 0.01% Coverage

09/191/101, line 710.

119 Term refers to people who practise low-intensity farming as subsistence pattern. 120 AGTF 09/103/01, lines 766-772. 121 AGTF 09/82/01, line 544.

122 AGTF 09/56/01

#### Reference 51 - 0.01% Coverage

long passage of 19 days.

great-grandfather may have come from Brittany, and was the father of Jean-Baptiste Ithier, who married Miss Eva Hombrasing. They had thirteen children. Whilst the ancestor [Victor] is said to have been a sea captain, Jean-Baptiste Ithier had settled on a concession of 14/15 arpents at La Ferme, 266 where the family still owns land today. X., the interviewed person, pointed out that his own father was a pastoralist and agriculturalist who owned a farm called 'La Ferme Piments' at La Ferme, land which, on his father's death in 1976, was divided between his children whom he had by a Miss Meunier – another very common 'Rouge' name in Rodrigues. The Ithier family, from JeanBaptiste onwards, grew such crops as maize, haricots, vegetables, as well as keeping cattle. They originally had, in their employ, descendants of previous slaves, all freed since the family did not settle at La Ferme until the 1880s.

A brother of Jean-Baptiste's

#### Reference 52 - 0.01% Coverage

on and settled in the

Flacq District; he is buried at St. Julien Cemetery. There is a 'Camp Ithier' in the vicinity of Flacq/Trou d'Eau Douce, that is said by X. to be connected with the Rodriguan branch of the Ithiers. Some of Jean-Baptiste's daughters were well-educated and became teachers at the local La Ferme primary school, but the more common practice, in olden days, was to encourage children to abandon their primary schooling to work on the farms, tending to the crops and animals.

was the case for the

#### Reference 53 - 0.01% Coverage

groups as well as individuals.

At the same time, despite all hardship, many emigrants, especially from lower castes, did feel some improvement over their condition in India, given their experiences back home where they were permanently consigned to the fringes of rural Indian society as untouchable, tenants-at-will, and landless labourers with little hope of improvement in life. Indian identities became sharper in the later phase of their settlement, starting to live as a community in the villages. The Indian settlements were largely based in isolated areas, often a few miles away from the nearest town. Kin ties often played a role in determining post indenture settlements. Imams and Pandits were the leading figures within the communities, and under rural farming conditions, the social structure of the villages was similar to that in India. In these villages, informal social institutions also existed in order to celebrate marriages, coordinate religious ceremonies and celebrations. Similar to Indian villages, there were Panchayats (village councils) to settle local disputes. Members were affluent people of the villages who were chosen on the basis of caste, intelligence or education.

Less pressure towards assimilation in

#### Reference 54 - 0.01% Coverage

dated from the French period);

iii. Slaves were permitted to farm individual plots of land and grow their own provisions and rear cattle and poultry.

None of these could actually

#### Reference 55 - 0.01% Coverage

and the rest in other

cash crops (cloves and coffee) or food crops (manioc, maize, sweet potato) or animal farming (cattle, pig, poultry) or covered with forest. Food crops were probably planted by able slaves, after the sugar harvest, with the weak slaves employed in cattle and poultry farming (Teelock 1998).

Supplementing the food ration of

#### Reference 56 - 0.01% Coverage

practice of providing slaves on

sugar estates with individual plots to farm for their own provisions to supplement their food rations. The slaves produced mainly root crops (high in carbohydrate) and some vegetables, but the type and amount of food produced varied widely from estate to estate. Other slaves fished, hunted or simply gathered wild fruits and vegetables: brèdes (greens) which grew in abundance all over the island. Therefore, slaves had traditionally supplemented the rations given by the owner by procuring their own food through a variety of means. A Civil Commissary observed that the quality of food was good by looking at the 'state of the slaves' (Teelock 1998).

A wide variety of some

#### Reference 57 - 0.01% Coverage

disaster in Mauritian history.

Thereafter,

Malaria remained endemic in Mauritius until 1950's. The result was a serious source of wastage in terms of manpower and money, through deaths and reduction of population; loss of manual labour in plantations, factories, farms etc; sickness among labourers and officers, incapacitation and deaths among higher officials and soldiers.

In 1907, Sir Ronald Ross

#### Reference 58 - 0.01% Coverage

blacksmiths, carpenters, masons and tailors.

Furthermore, the Coloured People progressively accumulated some capital. The means to achieve this accumulation were through grants and the purchase of public land. Between 1748 and 1810, there were 410 such grants and sales.<sup>28</sup> Other means were through bequeaths and donations. Moreover, the property acquired was rather limited. In 1788, the Coloured People owned only 3.5 % of land, and by 1806, only 7.1 % of all inventoried land was theirs. By 1809, they were farming about 9 percent of all cultivated land.

Another source of revenue and

#### Reference 59 - 0.01% Coverage

be positive.

It was This

was the minimal condition for slavery to be 'profitable'. The annual production of the slave on the farm was the most obvious source of income from the investment in a slave, but there was another source of return to slave assets. The slave-holder would benefit from any appreciation in the price of slaves owned and also any natural increase in the number of slaves. The asset-pricing model predicates a world where slave-ownership brings financial returns to the slave-holder and where the price of a slave reflects those returns over time.<sup>40</sup>

The model<sup>41</sup> captures the potential

#### Reference 60 - 0.01% Coverage

it was checked in 1902.

After 1880, under the pressure of falling sugar prices and increasing competition for labour, some planters handed over part of their estates to their workers in the hope of binding them to the estates. Under the 'métayage' system (tenant farming), the tenant farmers cultivated their land with sugarcane which was taken to the estate factory to be crushed. The 'métayage' system gave way to "morcellement". Large portions of marginal or sub-marginal land were divided into small plots and sold to Indians, mostly for cash but also on deferred terms of payment. Between 1886, and 1895, there were 69 "morcellement" of estates in the island. A large number of Indians,

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#### Reference 61 - 0.01% Coverage

Marketing Federation

II Primary Societies

There were 296 primary societies with 32,295 members in marketing societies for tea and fishing, then in transport, thrift, schools, consumers, printing, housing, better living, farming and industrial shoemakers.

Rodrigues: In Rodrigues, there were

#### Reference 62 - 0.01% Coverage

technical jobs, must be further

developed and encouraged as too much emphasis is laid on white collar jobs in Mauritius. In addition, entrepreneurship and subsistence farming should be further encouraged. In this connection, land settlement schemes for farming, livestock keeping, including pig breeding, should be made available.

7. All Government services should

#### Reference 63 - 0.01% Coverage

Madagascar for supplies of cattle."

Obviously, the recommendations of Anderson were never applied, the apprentices, when freed from their proprietors, moved as far as possible from their past masters to squat Crown Lands, particularly in the interior part of the island. Consequently, the subsistence farming system started and still perdures today.

"To Mauritius, Rodrigues might in

#### Reference 64 - 0.01% Coverage

the examination in December 1928.

Way back in 1923, Magistrate Watlace Hanning raised the question of the grant of two scholarships, one for boys and one for girls, for the education of Rodriguans at secondary level. The proposal was turned down. In 1938, Magistrate Le Roy proposed the institution of a secondary scholarship for Rodriguan students, tenable at a convent or brothers' school in Mauritius. The proposal was opposed by the National Direction of Education, with a counter proposal in favour of farm school scholarship, Rodrigues being so essentially agricultural. Six cadetships were thus created in 1946 for training at the Agricultural Experimental Station at Oyster Bay. It was only in 1956 that two scholarships were awarded to Rodriguan Students to pursue Secondary Education in the State Schools in Mauritius.

Up to about the 1950s

#### Reference 65 - 0.01% Coverage

##### Departments Introduction and General Remarks

Rodrigues was named after the Portuguese explorer Diego Rodrigues, is the smallest of the Mascarene Islands and a dependency of Mauritius. With a peak elevation of approximately 355 metres (1165 ft), it is located 560 km (348 mi) East of Mauritius island, in the middle of the Indian Ocean. It is 109 km<sup>2</sup> (43 sq miles) in size, and surrounded by coral reefs. The capital of the island is Port Mathurin. As of 2006, the island's population was about 40,000. The main language is Rodriguan Creole, while French and English are spoken or understood by some of the inhabitants. The main religion is Roman Catholicism, with a small minorities of other religions. Most of the inhabitants are of mixed African and French descent. The main industries are handicraft, farming, fishing and tourism. In 1968, Rodrigues was joined with Mauritius when it achieved Independence; it achieved an autonomous status in 2002 and during the same year, the island was made the seat of the Roman Apostolic of Rodrigues. The Catholic Church has a key position in the social life of the country and is at the basis of community development

In education, Rodrigues suffers all

#### Reference 66 - 0.01% Coverage

##### Australia in the early 1970s.

At that time, few Rodriguans were employed in the Public Service. The majority of the population was farmers and fishers. They exported to mainland Mauritius, farm products such as red beans, onions, garlic and live animals and marine products, such as salted fish and dried octopuses. In those days, Rodrigues was considered as the "greniers de Maurice". Unfortunately a number of successive devastating tropical cyclones in the late 1960, followed by a very severe drought in the early 1970s, totally fragilised the Rodrigues' economy, and consequently the Government had no other alternative but to employ practically the farmers as labourers in the Public Service Thus a new mentality

was installed in the Rodriguan

#### Reference 67 - 0.01% Coverage

##### first Ithier to do so

was Victor, who accompanied Beyts on the Hattonbum which arrived at Port Mathurin on 19 August, 1888, after an unusually long passage of 19 days. 45 The speaker [hereafter X.] stressed that his great-grandfather may have come from Brittany, and was the father of Jean-Baptiste Ithier, who married Miss Eva Hombrasing. They had thirteen children. Whilst the ancestor [Victor] is said to have been a sea captain, Jean-Baptiste Ithier had settled on a concession of 14/15 arpents at La Ferme, 46 where the family still owns land today. X., the interviewed person, pointed out that his own father was a pastoralist and agriculturalist who owned a farm called 'La Ferme Piments' at La Ferme, land which, on his father's death in 1976, was divided between his children whom he had by a Miss Meunier – another very common 'Rouge' name in Rodrigues. The Ithier family, from JeanBaptiste onwards, grew such crops as maize, haricots, vegetables, as well as keeping cattle. They originally had, in their employ, descendants of previous slaves, all freed since the family did not settle at La Ferme until the 1880s.

A brother of Jean-Baptiste's

#### Reference 68 - 0.01% Coverage

##### THE 'COLOURED POPULATION' OF RODRIGUES

Ithiers. Some of Jean-Baptiste's daughters were well-educated and became teachers at the local La Ferme primary school, but the more common practice, in olden days, was to encourage children to abandon their primary schooling to work on the farms, tending to the crops and animals.

This

was the case for

#### Reference 69 - 0.01% Coverage

more complex social class stratification.

Even though the Rodriguans are more and more dependent on the market economy, arable land is still available, especially in the interior part of the island, and hence most of the zabitan continue their farming activities for personal consumption and for sales to supplement their income.

Rodriguan society is becoming more

#### Reference 70 - 0.01% Coverage

and oysters (North-Coombes 1971).

According to Philibert Marragon's Census of 1804, the crops cultivated were: wheat, maize, rice, manioc, coffee, some tobacco and fruit trees – mostly citrus and a few mango trees. The farm animals, included ducks, pigs, goats and some cattle. The pigs and goats, cats and some cattle ran wild. At that time, there were a total of 82 black slaves (mainly from Mozambique, Madagascar and born in Rodrigues) and five white land owners (North-Coombes 1971).

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#### Reference 71 - 0.01% Coverage

##### The British Period (1810 - 1968)

Food production and export during the 1830s During that period, there were only about 125 to 250 inhabitants on the Island. In 1838, Justice C. Anderson reported that grain and root crops produced were only sufficient to meet the food needs of apprentices, and the large numbers of pigs and poultry. Salted fish, pigs and poultry were exported. There were also cattle, goats and sheep, but they were never exported and appeared to be left in the wild. He concluded that the Island was well-suited for grazing farms, and proposed that its development be reoriented to produce cattle for export to Mauritius and render the latter, to a great degree, independent of Madagascar for its meat supplies. However, following massive deforestation by the settlers and successive droughts, this proposition got nowhere (North-Coombes 1971).

Slave emancipation

In Rodrigues, when

#### Reference 72 - 0.01% Coverage



1981) enumerates how the British

breached the Islanders' human and indigenous rights by using coercive, illegal and unscrupulous means to compel them to leave their home country. Firstly, the Chagossians, who were in Mauritius for personal reasons such as for medical treatment or on visit, were not allowed to go back. Before leaving the Chagos, they were not informed that would not be able to return. Secondly, in 1967, the British closed the coconut plantations and copra production and, thus, they were forced out of their jobs and had no food ration. Thirdly, the rulers stopped the supplying ship from entering the British territory. Hence, the local population relied solely on fishing and farming as means of subsistence. Fourthly, in 1971, the last inhabitants were informed that were no more entitled to remain on their land and were deported to Salomon and Peros Banhos islands. In 1972 and 1973 they were expelled from the two islands respectively to the Seychelles and Mauritius.

They were progressively and strategically

#### Reference 73 - 0.01% Coverage

the property rights of the

Chagossians. Regarding land acquisition, he states that people chose the land they wanted to occupy that the Administrator registered. Although they did not purchase the land (there was no money transaction), nonetheless they owned the land they acquired. Later the transaction was made public; it was publicly known that he/she was landowner. Islanders occupied land of approximately 75 toises on which the constructed their house and practised farming (they cultivated land and reared livestock).

"...The lands, which were there

#### Reference 74 - 0.01% Coverage

##### ISLANDERS' EXPERIENCE OF FORCED DISPLACEMENT

1 UNHCR (2002) 2 Ibid 3 Appendix A: Detailed List of Slaves in the Chagos Archipelago as per the 1826 Slave Census . 4 Dussercle (1934, p. 26). 5 Ibid. (1934, p. 2). 6 Ibid. 7 Dussercle (1934, p. 104). 8 Term refers to people who obtain their food by low intensity farming. 9 Dussercle (1934, p. 67). 10 Ibid., p.68. 11 Ibid. 12 Ibid., pp. 73-74. 13 Jeffery (2007, p. 951). 14 Ibid., p. 956. 15 Heilein (2002). 16 <http://www.un.org/documents/> 17 Nauvel (2006). 18 Report Select Committee (1983, p. 10). 19 Ibid., p. 16. 20 Ibid., p. 20. 21 Vine (2009, p. 24). 22 <http://chagosrefugeegroup.net> 23 Vine (2006, p. 21). 24 National Support Front for the Ilois (1981, pp. 7-8). 25 Ibid., pp. 10-11. 26 Ibid. 27 D'Unienville (2002, p. 9) 28 Ibid., p.15. 29 Jeffery (2007, p. 951). 30 Ibid., pp. 961-962.

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#### Reference 75 - 0.01% Coverage

a Food Program in Agalega

An intensive training program, adapted to the island conditions, and starting at school level, could be launched. Very often, experts learn through the experience of local people. The contribution and advice of elders, with their experience of Agalega, should thus be sought, and plots of land, on a symbolic rental basis, could be allocated to interested families, for gardening and/or farming.

Photo 34 Plant covered with

#### Reference 76 - 0.01% Coverage

34 Plant covered with pests

10.5.2 Bassin Capucin, the only pool in the North, can be exploited for farming, especially the breeding of ducks. A place in the South called tranche, can also be exploited.

Training in this connection is

#### Reference 77 - 0.01% Coverage

also Appendix N0. I; 3)

10.5.3 Seychelles expertise could be sought in farming. Sharing between Agaleans and Seychellois in different fields would be beneficial.

10.6 Environment

People are

## **Name: References to Farmer in Mauritius Report**

<Files\\Mauritius Report> - § 39 references coded [0.13% Coverage]

### **Reference 1 - 0.01% Coverage**

form ever bigger sugar companies.

Moreover, in the 1870s, Europe was in the grip of a depression in Europe, with prices of commodities in general going down. But the main threat to sugar came from the producers of beet sugar in Europe. Wheat from the USA and Russia was invading Europe as a result of free trade, and European farmers found in beet root production a convenient way to face this threat. Germany emerged with a very 'low cost of production', thanks to various types of subsidies, in spite of free trade. In fact, British free trade accommodated slave-produced sugar as well as sugar subsidised by other exchequers. The cost of delivery of beet sugar from Germany to Britain was somewhat less than that of cane sugar from the British colonies. Further, the factory performance of Germany was much better than that of Mauritius for both output and sugar recovery.

Britain, the great Colonial Power

### **Reference 2 - 0.01% Coverage**

grâce à de dépenses énormes<sup>136</sup>

Rather than import small farmers and cultivators from France, the Company and Government had favoured 'gentleman farming', (Labourdonnais had also envisaged this), with large estates owed by one European colonist using the labour of African, Malagasy and Indian slaves.

The ratio of white to

### **Reference 3 - 0.01% Coverage**

pure black, and not accepted.

One of the consequences in India of such a logic of purity is discrimination and/or spatial segregation. Indeed in India, in many villages, 'high' castes, the 'pure', Brahmins or farmers for example, live in the heart of the village. Around them, reside the service castes (craftsmen). Far away from them, reside the 'Untouchables', whose members are not allowed to collect water from the pond or the local well, nor allowed to have tea in the village's common places or to enter the other castes' houses. How far did this exist on ships, on Mauritian estates? And how far does this persist today?

In India the religious territory

### **Reference 4 - 0.01% Coverage**

#### **LAND GRANTS DURING FRENCH OCCUPATION**

At the end of De Nyon's administration, there were only 200 people and two small settlements. If there were officers, workers and some slaves, there were no farmers. Isle de France under his administration had become "l'enfer de Isle de France".

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#### Reference 5 - 0.01% Coverage

of coffee to the Company.

Furthermore, the French East India Company reserved for itself the absolute right to a trade monopoly. The settlers were compelled to purchase all their requirements from the Company, to which they had been forced to sell all their products. The tariffs at which the products were bought from the settlers were continually being altered, and most of the farmers felt they had to face an uncertain future. Time and again, the French East India Company or the French Crown changed their plans, and the settlers were ordered either to plant food crops or devote their energies to cattle-herding or horse-breeding. Suddenly, they were ordered to plant spices, coffee, cotton or indigo.

On the one hand, abhorred

#### Reference 6 - 0.01% Coverage

big "indigoterie" was established near

Pieter Both. He wanted the farmers to act like "little lords", thus establishing the tradition of "gentlemen farmers". He set the example on "Mon Plaisir", where he created the first Botanical Garden. Very quickly, an active and industrious environment was to be imposed in the areas of Calebasses, Maison Blanche and Rivière-du-Rempart. Large establishments and farms with stables, barns, pigsties, poultry and pigeon breeding were set.

"Le 12 mai 1759, une

#### Reference 7 - 0.01% Coverage

that the settlement of Indian

immigrants, who worked as labourers in Mauritius, has given rise to the class of small planters, known initially as 'Indian small planters'. The Wilberforce Report in 1913 indicated that there were around 7,500 Indian farmers and 19,720 independent planters. This was made possible through the parcelling of estate lands during the petit and grand morcellement systems. Through savings, purchasing land, cultivation of crops, some small planters even moved away from estates to towns and villages to settle down and have an independent life. As a result, at present, Mauritius has a total of 19,228 planters, out of whom more than 70% belong to the class of small planters. Thus, a majority of Mauritian planters are from the group of 'small planters'.

According to the MSIRI Report

#### Reference 8 - 0.01% Coverage

World Wars I and II)

During World War I, in the presence of Governor of the Colony of Mauritius, Mr. Heskell Bell, sugar was sold at five times its usual value to England for about Rs. 240 million or £20,000,000. There were great changes and a development in the social life of people. Many of them were suddenly rich; the labourers had a good earning and spent usefully, while other labourers spent their money on liquor, such as rum (A. Toussaint, p. 214). Extra money from wages was used to buy plots of lands and cattle to become independent farmers and have some savings for the future. In addition, some labourers went to settle in towns and villages. Thus, arose a class of small planters among the labourers and descendants of labourers. Shortly after World War

I, sugar prices fell; this practically ruined small Indian planters who lost their lands and had to look for other jobs. Some had to return to their old jobs in the fields of sugar estates. A few Indians managed to continue as small planters, although they had sustained great losses. (M. Varma, p. 220)

The Short History of Mauritius

#### Reference 9 - 0.01% Coverage

##### Peerthum 1. DEFINITION OF MÉTAYAGE

Métayage, also known as sharecropping, is where the agricultural produce is shared or sold by a tenant farmer to the landowner.

83 Europe, as well as

#### Reference 10 - 0.01% Coverage

as communal use of land.

However, in Mauritius, the extent of ownership is highly skewed in favour of large plantations owners. There has never been large-scale redistribution of lands either after abolition of slavery or indenture or independence by governments, colonial or independent. Small farmers and proprietors have on their own saved enough money and bought many plots of land at various moments in history.

Indeed, control of land has

#### Reference 11 - 0.01% Coverage

planters under the "métayer system".

The Commission is well aware that this kind of arrangement is very common in Mauritius in that landless farmers are allowed to cultivate land belonging to sugar estates companies and on harvest part of the proceeds are retained by the sugar estate.

The Commission cannot give any

#### Reference 12 - 0.01% Coverage

##### LAND UTILISATION AND ITS CONSEQUENCES

In the early French period, the land policy was geared towards agriculture, the policy of gentleman farmer, a series of estates dotted all over the island. Only a small percentage, however, was put to use.

The term "Crown Land" probably

#### Reference 13 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

21. Pillay. K., C. Travailleur and S. Ramasawmy. 2010. MSIRI Report. Small – scale sugarcane farmers in Mauritius and South Africa: Limiting factors and conditions in the adoption of improved technologies.

22. Mundil. K. 1985. Paper

#### Reference 14 - 0.01% Coverage

gathered wild fruit and vegetables’.

After working hours and during their free time, the farmers who were essentially the Bombaye<sup>20</sup> worked in the fields whereas the Creoles went fishing. The women were responsible for the household chores. The forest provided them with cooking wood and they did their laundry in the river.

The appropriation of the surrounding

#### Reference 15 - 0.01% Coverage

class action suit in the

United States to the state sponsored study on reparations which is part of the Truth and Justice Commission. It looks at similarities between the Farmer-Paellmann class-action suits and the present state-sponsored study on reparations in Mauritius and makes recommendations based on Prof Hylton’s theory on Social Torts and Dr. Wenger’s discussion of reparations as a way to redress the breach in the Rule of Law caused by slavery. This section discusses the pertinence of using a multidisciplinary approach to the study of slavery and reparations for the Truth and Justice Commission.

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#### Reference 16 - 0.01% Coverage

action suit initially filed in

federal court in March 26, 2002 New York by a group of lawyers such as Prof. Charles Ogletree Jr. a professor at Harvard Law School and co-chairman of the Reparations Coordinating Committee and the late Johnnie Cochran, a Los Angeles-based lawyer. The lawsuit entitled Farmer-Paellmann v. FleetBoston named Deadria Farmer-Paellmann, Executive Director of the Restitution Study Group, the Chicago chapter of the Reparation movement, was filed on behalf of all African-Americans seeks compensation from a number of defendants for profits earned through slave labor and slave trade. The suit named a few corporations such as FleetBoston Financial Corporation, Aetna Insurance Company and CSX (a railroad company) and was joined later by Merrill Lynch now owned by Bank of America and New York Life Insurance as the reparations committee progressed in their historical investigation. The Committee worked towards including quite a few educational institutions such as Brown, Yale and Harvard Universities which according to Prof Charles Ogletree have made headlines as beneficiaries of grants and endowments which could be traced back to slavery.<sup>29</sup> Like in the Cato v. United States and Johnson v. McAdoo, Professor Ogletree also named the United States government as a defendant, he claimed that the government through public officials guaranteed that slavery and Jim Crow segregation laws were feasible. The movement cited the example of South Africa where the Truth and Reconciliation Commission has made monetary compensation a central part of their mission, which seeks to compensate people with clear material needs who suffered under apartheid because of race. It was also in South Africa, in the 2001 conference on racism that the United Nations named slavery a crime against humanity which Prof Ogletree asserts is a legal definition that may enable the reparations movement to extend its reach to international forums but so far the movement is U.S based only.

Farmer-Paellmann v. FleetBoston Financial Corporation, and Barber v. New York Life Insurance Co both filed in

#### Reference 17 - 0.01% Coverage

the defunct companies it absorbed.

The Farmer-Paellmann v. United States class action suits have been appealed many times and in many courts of

#### Reference 18 - 0.01% Coverage

or decision of these petitions”.

The Farmer-Paellmann class action suits have hit the same roadblock over and over again that is the Statutes of

#### Reference 19 - 0.01% Coverage

their ancestry to African slaves.

In the case of the litigations, Re-descendants of African slaves/Farmer-Paellmann suits, the defendants are not clearly identifiable

#### Reference 20 - 0.01% Coverage

even acknowledge its very existence.

40 Waldstreicher, David. Slavery's Constitution - From Revolution to Ratification. Hill and Wang, New York, 2009, page 3. The Constitution never mentions slavery. The word does not appear. And yet slavery is all over the document. Of its eighty four clauses, six are directly concerned with slaves and their owners. Five others had implication for slavery that were considered and debated by the delegates to the 1787 Constitutional Convention and the citizens of the states during ratification. This is many more words, with greater implications for slavery, than contained in the Articles of confederation, the previous, notoriously weak national charter drafted in 1776 and passed eventually by the Continental Congress. All but one of these clauses protects slavery; only one points towards a possible future power by which the institution might be ended. In growing their government, the farmers and their constituents creates fundamental laws that sustained human bondage.

41 Ibid., page 4 “Representatives

#### Reference 21 - 0.01% Coverage

than Mauritius. divergences and nuances:

“The relative homogeneity of the population has not, for all that, excluded nuances. Fr. François remarked in 1862: “The population is divided into two perfectly distinct classes: the indigenous people or farmers, scattered here and there, can be numbered at 400 over the spread of the Mountain, and the fishermen who have mostly come from Mauritius and work for about twenty small bosses, small mulattoes or blacks; the latter number about 300 and live on the coast.” 254

According to the first Catholic

#### Reference 22 - 0.01% Coverage

jati' that are actual castes.

Each jati belongs to a Varna: there are several 'jati' of Brahmins as well as many jati of Shudra (jati of farmers, of shepherds, of basket-makers, of blacksmiths) and even of sacred puppetmasters. The Untouchables themselves are divided into castes of barbers, launderers or travelling beggars.

Here is the true hierarchy

#### Reference 23 - 0.01% Coverage

that the average Indian experiences.

Belonging to a jati is considered a natural fact. Through his birth, each one owns characteristics that are shared by the members of the same jati, and not by others. One is born in one's caste (jati) and one dies in it. As the son of a blacksmith, one is born a blacksmith and one dies a blacksmith, even if it is not the job actually practised. The caste is hereditary and endogamous: one will marry a blacksmith's daughter only. Each caste has its rituals and its values: that is why they can ignore each other, and that might be one of the factors of the relative so-called 'Hindu tolerance'. On the other hand, they all belong to the same hierarchy, experienced daily because it is forbidden to accept food from an inferior caste for fear of being 'polluted' by it. Thus, all the castes of farmers will refuse food from Untouchables, and sometimes even, from shepherds, when the same shepherds will, in turn, refuse food from farmers, saying that their own caste is in reality superior to that of farmers. Obviously, disputes are numerous and hierarchy varies according to regions. Besides, some castes try to climb up the scale of purity by copying their rituals or daily practices (food, clothes) on high castes, even if such a strategy (called 'sanskritisation' because it

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#### Reference 24 - 0.01% Coverage

they are pubescent, for example).

One of the consequences of such a logic of purity is discrimination and/or spatial segregation, in many villages. High castes, 'the pure', Brahmins or farmers for example, live in the heart of the village. Around them, the service castes (craftsmen) have been set up. And away from them, there

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#### Reference 25 - 0.01% Coverage

enter the other castes' houses.

Order exists because of the complementarity and because of the 'jajmani' system that links the castes together on a hereditary basis. A family of farmers always asks the same blacksmith to fix their plough, and the blacksmith is paid in grain each year when the harvest is over. However, the system is bound to disappear because of the modernization of agriculture. Complementarity also and mostly works through rituals. Thus, the religious territory of a village is divided into several shrines, each of them being patronized and frequented by one or several castes. Even though The Untouchables have long been forbidden to enter the high castes' shrines, their own worshipping habits were necessary to the prosperity and the protection of the whole village. Some from a very high jati may need the knowledge and the power of the divinities



and of the priests from a low jati if a matter is thought to be within their remit (calming down an ancestor coming back under the shape of a possessing spirit, for example). The Untouchables are needed for many processions and ceremonies (funerals, for example) that require the presence of a drum (an impure instrument because it is made of the skin of a dead animal that only Untouchables are allowed to touch).

The caste system inevitably means

#### Reference 26 - 0.01% Coverage

traditional role in categorizing Hindus.

What Mauritians have retained is also some of the stereotypical occupational specializations which categorized Hindus, such as that Chamars were leatherworkers, or that Ahirs were cattle-farmers and that Brahmins were priests. Behind this stereotypical occupational specialization associated with each caste group, lies the hierarchy of the whole system, according to purity criteria. What underlies it is a type of discrimination: Dusadhs rear and sacrifice pigs, and they eat pork meat; high castes rear cattle and sacrifice or eat only where they are not vegetarians, chicken or mutton. Pork is intrinsically associated, in India and still more, it seems, in Mauritius, with dirt and impurity. The recurrent reluctance, or even revulsion, of most interviewees, when asked to comment on pig rearing and pork meat, on sacrificing or consumption habits, or even to pronounce the word 'pig', is linked to their repugnance to evoke lower-caste persons. It is clear that activities considered 'impure' is linked with so-called 'impure' castes. But the logic can be inversed: the low castes are considered 'dirty' and 'impure' because they work in activities considered 'impure'.

Patronymics also reflect caste identity

#### Reference 27 - 0.01% Coverage

ex-slaves on the plantations

and this formed part of a 'Great Experiment', as Stanley wrote in 1842 Ordinance. Moses Nwulia (1978, 89) observed: "The apprenticeship system converted chattel slaves into serfs" and it is quite understandable that the ex-slaves left the sugar plantations and settled elsewhere. They had nothing and the overwhelming bulk of the ex-apprentices were reduced to extreme poverty and malnutrition, so that their numbers declined steadily. The withdrawal of the ex-apprentices created a labour crisis for the colony and the Government resorted to the renewed importation of indentured labourers from India in large numbers to save the sugar farmers from ruin and the economy from collapse. The artisans who had been emancipated before 1850 had begun to emerge economically, but the massive arrival of indentured labourers changed the demographic ratio and the new labour situation brought the majority of them to a state of extreme impoverishment.

3.7 The indentured labour

#### Reference 28 - 0.01% Coverage

alluring option for many planters.

The labour and liquidity crisis of the 1830s and 1840s promoted, not only the parcelling of estates, but also the rise of a class of ex-apprentice gardeners and farmers. There were, in that connection, diverging opinions in official quarters at the time on the activities and contribution of the former apprentices in the island's social and economic development. The standard view in many circles was that these individuals remained "ignorant, lazy and given to hedonism". On the other hand, Governor Gomm, in 1846, expressed the opinion

that the former apprentices had become "a thriving and improving class of the colonial population". Some independent observers were equally impressed by the social and economic promotion of the former apprentices. The ex-apprentices small holders could be counted among the 30,000 Persons of Colour forming a middle class and fast rising in wealth and consequence. 95

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#### Reference 29 - 0.01% Coverage

financially more viable units.

In

the throes of a severe agricultural crisis in the 1880s, sugar estates were under pressure owing to the low sugar prices, scarcity of capital and adverse internal circumstances. That period saw the substantial acquisition of sugar property by Indians and the emergence of Indian cane farmers who would play an important role in the future development of the Mauritian Sugar Industry.<sup>109</sup>

The 1860s saw a dramatic

#### Reference 30 - 0.01% Coverage

it was checked in 1902.

After 1880, under the pressure of falling sugar prices and increasing competition for labour, some planters handed over part of their estates to their workers in the hope of binding them to the estates. Under the 'métayage' system (tenant farming), the tenant farmers cultivated their land with sugarcane which was taken to the estate factory to be crushed. The 'métayage' system gave way to "morcellement". Large portions of marginal or sub-marginal land were divided into small plots and sold to Indians, mostly for cash but also on deferred terms of payment. Between 1886, and 1895, there were 69 "morcellement" of estates in the island. A large number of Indians,

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#### Reference 31 - 0.01% Coverage

brought them back into production.

In 1907, Highlands Estate, with 2,975 acres under cane, was actually cultivating only 206 acres and had leased 2,419 acres to Indian small planters; on Reunion estate, planters cultivated over one third of the estate land. By 1907, Indian cane farmers owned 30 per cent of cane acreage in Mauritius, and produced 22½ per cent of the cane crop. According to Allen, the parcelling out of estates was a device by sugar estates, which were squeezed financially to appropriate the substantial sums owned by Indians in Mauritius. According to him, there is reason to believe that the Indian immigrants investment in property became increasingly important to the Sugar Industry's financial well-being as Mauritius economic crises deepened after the mid-1880s.

The extensive parcelling out of

#### Reference 32 - 0.01% Coverage

form ever bigger sugar companies.

Moreover, in 1870s, there was a depression in Europe, with prices of commodities in general going down.<sup>166</sup> But the main threat to sugar would come from the producers of beet sugar in Europe. Wheat from the US and Russia was invading Europe as a result of free trade, and the European farmers found in beet root production a convenient way to face this threat. Germany would emerge with a very 'low cost of production' thanks to various types of subsidies, in spite of free trade. In fact, British free trade accommodated slave-produced sugar as well as sugar subsidised by other exchequers. The cost of delivery of beet sugar from Germany to Britain would be somewhat less than that of cane sugar from the British colonies. Further, the factory performance of Germany would be much better than that of Mauritius for both factory output and sugar recovery.

Britain, the great Colonial Power

#### Reference 33 - 0.01% Coverage

Australia in the early 1970s.

At that time, few Rodriguans were employed in the Public Service. The majority of the population was farmers and fishers. They exported to mainland Mauritius, farm products such as red beans, onions, garlic and live animals and marine products, such as salted fish and dried octopuses. In those days, Rodrigues was considered as the "greniers de Maurice". Unfortunately a number of successive devastating tropical cyclones in the late 1960, followed by a very severe drought in the early 1970s, totally fragilised the Rodrigues' economy, and consequently the Government had no other alternative but to employ practically the farmers as labourers in the Public Service Thus a new mentality

was installed in the Rodriguan

#### Reference 34 - 0.01% Coverage

than Mauritius. divergences and nuances:

"The relative homogeneity of the population has not, for all that, excluded nuances. Fr. François remarked in 1862: "The population is divided into two perfectly distinct classes: the indigenous people or farmers, scattered here and there, can be numbered at 400 over the spread of the Mountain, and the fishermen who have mostly come from Mauritius and work for about twenty small bosses, small mulattoes or blacks; the latter number about 300 and live on the coast." 34

According to the first Catholic

#### Reference 35 - 0.01% Coverage

to evil, ugliness and failure.

In popular perception, the real slave descendants are the Black Rodriguans living inland, who are farmers and planters. They are also commonly referred to as zabitan (Eng. trans. Native). The light-skinned residents are considered as the real descendants of the Colons who are pejoratively referred to as demi kle (Eng. trans. Half-key) or Zens la kot (Eng. trans. Coastal people) and who are fishermen. The local term demi-kle, as Ben explained, referred to fair-skinned Rodriguans born out of cross-breeding.

This biophysical categorisation of the

#### Reference 36 - 0.01% Coverage

un phénotype supplémentaire émerge progressivement.»

(Eng. trans: The existence of three phenotypes, the 'Black' farmers of the interior, the 'Red' of the coast, fishermen for the majority and the 'Asians' [Chinese or Muslims] traders of profession who constitute the 'privileged group of Rodriguan society'. The ethnic origins, the professional activity and the spatial distribution are intrinsically connected. Following more frequent interbreeding, an additional phenotype appears gradually).

Irrespective of the different ancestral

#### Reference 37 - 0.01% Coverage

pattern. They are Roman Catholics.

They live in the interior land are farmers and herdsmen.

Rodriguans of European origins (Mulattoes

#### Reference 38 - 0.01% Coverage

maize cultivation (North-Coombes 1971).

Alcohol consumption Most Rodriguans used to have a fairly temperate character; those engaged in fishing were generally more prone to liquor than the farmers. On Saturdays, most of the men like a tot of rum or two, even if this had to be obtained on credit. Since Mauritius has had its own brewery, the consumption of spirits in Rodrigues has fallen. The inhabitants now consume appreciable quantities of beer and cheap Mauritian fruit wine. These are now distributed all over the island, even in the highlands (North-Coombes 1971).

#### 2.2 NUTRITION STATUS AND

#### Reference 39 - 0.01% Coverage

presents how the "Indians" could

engage in other economic and professional activities at the end of their contracts. Thus, many of them started new businesses or remained on sugar estates to work. They also became carters, hawkers, farmers, barbers, green grocers etc.

The parallel between the showcases

## **Name: References to Labor in Mauritius Report**

<Files\\Mauritius Report> - § 27 references coded [0.09% Coverage]

### **Reference 1 - 0.01% Coverage**

#### 3 Labour, Poverty and Resistance

The reduced wages of Sugar Industry labourers, together with heavy taxation raised by the Colonial Government, made their lives very difficult indeed. The depression had a general effect of increasing unemployment and depressing wages, thus causing an increase in the level of poverty among the laboring classes and the poor. This resulted in the impoverishment of the labouring classes in the 1930s on the one hand, and in the emergence of the Labour Party, through its public meetings, on the other hand. All this created conditions for the development of resistance by these classes. In effect, the 15 per cent decrease in the prices of the Uba cane variety by some sugar estates in 1937 triggered off protests, processions, strikes, marches and generally demands for better wages and against unemployment. In the process, shots were fired by the management of the Union – Flacq Sugar Estate, owned by the Gujadhur family, new sugar magnates of Indian origin, killing four labourers/small planters.

Those events of 1937 are landmarks in the History of Mauritius. Further, in 1938, there were strikes in Port Louis by the dockers and in 1943, Sugar Industry labourers in the North, with three of them shot dead by the police. This unprecedented wave of protests and resistance by the laboring classes forced the Colonial Government to shake off its lethargy and indifference with regard to the laboring classes.

The Colonial State reacted by

### **Reference 2 - 0.01% Coverage**

zone later in the 1970s.

Moreover, whilst there were some improvements in the conditions of the labouring classes, their fate was that of relative underdevelopment. The continual policy of cheap labour consolidated the exclusion of those found outside the Sugar Industry, given that this policy had an impact on the labour market. Unemployment and poverty still dominated the lives of the laboring classes in Mauritius. The cooperative movement represented an attempt which could have helped these classes, but, unfortunately, it did not rise to expectations. The value and belief system behind the new Capitalist System tended to predominate among the Indian elite and the middle class, killing the fundamental cooperative principles and values.

Overall, the economy grew from

### **Reference 3 - 0.01% Coverage**

#### JUSTICE COMMISSION 2.Indentured Africans

Although the stereotypical image of the 'indentured labourer' is that of the Indian, dressed in a 'dhoti' and laboring away on the cane fields, 'other' indentured labourers also existed in Mauritius: those working in the ports, and various types of employment in urban centres as well as those working with private individuals. There was also a large group of Africans, Malagasies and Comorians also brought before and after abolition of slavery to work on contract in Mauritius. Some had been freed from slave ships illegally trading in slaves, hence the term 'Liberated Africans' being applied to them. They did not benefit from the Act of Abolition of Slavery in 1833 and continued to work with their employers until their contract had expired. The Commission is indebted to two young historians of the Nelson Mandela Centre and the

Aapravasi Ghat Trust Fund who have shared their work on the Liberated Africans with us during the recently organized Conference on Slave Trade organized by the Commission. Their contributions are reproduced in part in Volume 4 of the TJC report and will be published in full in the Conference Proceedings by the University of Mauritius.

Brief History

The Act for

#### Reference 4 - 0.01% Coverage

from the Caribbean were equalised.

The understanding of the consequences for contemporary Mauritius of these key events would be largely insufficient unless a holistic view of history is adopted. The Commission finds that there is a continuous evolution of economic exploitation, social and cultural oppression. This has led to contradictions between British Imperialism, the plantocracy of both French and British origin on the one hand and, on the other hand, labour (the enslaved, the indentured and their descendants). The wealth created throughout Mauritian history is the result of the impressive contribution of labour on the one hand and the capital and know-how of colonists and British Imperialism on the other hand. However most of this wealth has been appropriated by colonists and the British Imperial and Colonial States, whilst large proportion of the laboring classes faced unemployment and poverty during the Colonial era ending in 1968. The intermediate social and economic classes such as traders, merchants, middlemen and medium planters were able to retrieve some of the wealth. There have been thus two complementary historical processes: development and substantial material advancement for the few and underdevelopment for the many constituting the labouring classes.

The Sugar Industry in 21st

#### Reference 5 - 0.01% Coverage

for reforms for the employees.

The strikes of 1971 brought the political presence of port workers to the level of national awareness. The strikes spread from the sugar estates to aloe sack factories and other sectors of the economy. This forced the Labor Government to declare a state of emergency; trade unionists were arrested and imprisoned without trial, and all the GWF activities were suspended. In 1982, the political savvy of port workers was felt even more strongly when the Coalition Government of MMM, MSM and PSM came to power.

As a result of this

#### Reference 6 - 0.01% Coverage

of the Chinese in Mauritius

When the Dutch arrived, labour was brought from Batavia, which at the time was mostly composed of Chinese immigrants, traders and victims of kidnapping. 447 However "there are no known descendants on the island from this period."448 In the 18th and 19th centuries, colonized by the French and the British, Mauritius became a colony deeply dependent on slave labor for its plantation workforce. The presence of Chinese slaves in the history of the country is specific to a short period of time and a small group of individuals. Only two persons from Macao are listed on the Register of the Government slaves. In 1792, a 60-year old male Chinese slave is recorded as having died in Flacq. "Another, Jean Benoit, born on the Isle de France of Chinese parents, is reported as having died in the same region, in 1791." 449 Louis Vigoureux,

a slave-owner manumitted two Chinese slaves, Gratia and Pauline from Canton, in 1745.<sup>450</sup> The manumission of Chinese slaves created a free Chinese community in the Isle de France.<sup>451</sup> "But they became gradually absorbed into the Creole population."<sup>452</sup> Some other 300 Chinese slaves were also captured and brought to Mauritius.<sup>453</sup>

Chinese Coolies

There were several

#### Reference 7 - 0.01% Coverage

were reserved for them.

Purity

The purity factor was prevalent in Mauritius among indentured laborers and their descendants, leading to a caste hierarchy.

Although, as in India in

#### Reference 8 - 0.01% Coverage

export to Mauritius, since 1794.

At the dawn of the 19th century, oil was a valuable substance; it not only lit lamps, but was being used as lubrication for an increasingly mechanized world. If whale oil was one of the main sources, coconuts were another source of oil. Harvested, shelled, dried, and then pressed, they provided valuable, high quality oil. The key to the economic processing of coconuts was cheap labor, and the French in Mauritius had this in the form of slaves. Lapotaire had more than 100 slaves on Diego Garcia, providing for 12 mills, while Cayeux had an operation half as large.

The coconut oil exploitation soon

#### Reference 9 - 0.01% Coverage

AND THE POST-EMANCIPATION ERA

According to the terms of the Act that abolished slavery in Mauritius in 1835, the colony's new freedmen were required to continue serving their former masters as "apprentices" for a period not to exceed six years. Termination of the apprenticeship system on 31 March 1839 removed the last legal impediments to the colony's former slaves' ability to reap the fruit of their own labor. As the archival records make clear, the economic fortunes of many of these new freedmen and women rested on their ability to mobilize capital, acquire land, and exploit the economic opportunities that existed during the late 1830s and 1840s.

Contemporary sources indicate that the

#### Reference 10 - 0.01% Coverage

buying was to be found.

This propensity of Mauritian ex-apprentices to reside in the general vicinity of the small properties they purchased is not unexpected. Post-emancipation Caribbean history is replete with examples of former apprentices who, despite an intense desire to dissociate themselves from all vestiges of their former condition, nevertheless continued to live in relatively close proximity to the estates on which they had once

labored. Their reasons for doing so are not difficult to discern. Complex webs of social, economic, and psychological ties that had been created over the years were not easily or readily dismantled. Moreover, many estates included large areas of uncleared or unused arpentage, precisely the kind of land that estate-owners were inclined to sell and former apprentices were inclined to acquire, especially if they had lived on or near the land in question.

The ability of ex-apprentices

#### Reference 11 - 0.01% Coverage

to be recorded no later

tract in Grand Port.<sup>57</sup> Other Indian laborers soon than mid-1843 when

Seckzorip, identified as a laborer and native of Nassirabad, and Seckmarali, a laborer from Dakka, purchased portions of a twenty-two-arpent

followed in their footsteps. Like

#### Reference 12 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

significant cash resources. The Annual Reports of the Government Savings Bank, established in 1837 to encourage “the lower classes of society” to engage in provident financial practices, reveal that the average value of an Indian laborer’s savings account between 1851 and 1855 ranged from £18 to £21 (\$90 to \$105) a year and that the total value of such deposits by Indian labourers averaged £11,399 (\$56,995) a year during this period.<sup>67</sup> The fact that an average of 76 per cent of Indian immigrant non-morcellement land purchases between 1840 and 1889 entailed their paying the full purchase price at the time of the sale’s formal completion, likewise, suggests that some immigrants had ready access to significant sums of cash, as does the fact that this payment-in-full rate rose to 87.8 per cent for morcellement plots acquired during the 1860s, 1870s, and 1880s.<sup>68</sup>

In other instances, the financing

#### Reference 13 - 0.01% Coverage

d’outre-mer 78: 337-58.

3. Allen, Richard B. 1999. *Slaves, Freedmen, and Indentured Laborers in Colonial Mauritius* Cambridge: Cambridge University Press.

4. Allen, Richard B. 2001

#### Reference 14 - 0.01% Coverage

and Abolition 14: 13-40.

24. Tomich, Dale W. 2004. *Through the Prism of Slavery: Labor, Capital, and World Economy*. Lanham, Maryland: Rowman & Littlefield.

25. Trouillot, Michel-Rolph. 1988



#### Reference 15 - 0.01% Coverage

action suit initially filed in

federal court in March 26, 2002 New York by a group of lawyers such as Prof. Charles Ogletree Jr. a professor at Harvard Law School and co-chairman of the Reparations Coordinating Committee and the late Johnnie Cochran, a Los Angeles-based lawyer. The lawsuit entitled Farmer-Paellmann v. FleetBoston named Deadria Farmer-Paellmann, Executive Director of the Restitution Study Group, the Chicago chapter of the Reparation movement, was filed on behalf of all African-Americans seeks compensation from a number of defendants for profits earned through slave labor and slave trade. The suit named a few corporations such as FleetBoston Financial Corporation, Aetna Insurance Company and CSX (a railroad company) and was joined later by Merryl Lynch now owned by Bank of America and New York Life Insurance as the reparations committee progressed in their historical investigation. The Committee worked towards including quite a few educational institutions such as Brown, Yale and Harvard Universities which according to Prof Charles Ogletree have made headlines as beneficiaries of grants and endowments which could be traced back to slavery.<sup>29</sup> Like in the Cato v. United States and Johnson v. McAdoo, Professor Ogletree also named the United States government as a defendant, he claimed that the government through public officials guaranteed that slavery and Jim Crow segregation laws were feasible. The movement cited the example of South Africa where the Truth and Reconciliation Commission has made monetary compensation a central part of their mission, which seeks to compensate people with clear material needs who suffered under apartheid because of race. It was also in South Africa, in the 2001 conference on racism that the United Nations named slavery a crime against humanity which Prof Ogletree asserts is a legal definition that may enable the reparations movement to extend its reach to international forums but so far the movement is U.S based only.

Farmer-Paellmann v. FleetBoston Financial

#### Reference 16 - 0.01% Coverage

States to say the least;

slavery as a term is not even mentioned in the constitution<sup>40</sup> regardless of the fact that slaves was use as the yardstick for wealth and power.<sup>41</sup> The word Slave itself was completely omitted from the Constitution, the only time that the word appears is in the Thirteenth Amendment to the Constitution which actually abolishes the institution of Slavery. Liberal Individualism prohibits for instance the reference to group characteristics like race and that is why any positive discrimination such as Affirmative Action based on race, gender, caste of a said group to have access to the similar standards as the majority is in theory unconstitutional and has been repealed in some states such as California. The Slave is carefully avoided in the articles of the Constitution and instead slaves are referred to as "other persons", "such persons" and "persons held to service or labor".<sup>42</sup> With Justice Tanney's opinion in mind; make no mistake, white society knew who "such persons" referred to.

The notion of private property

#### Reference 17 - 0.01% Coverage

Movement. New York; Amistad, c2005

20. Cox, Jim: Rail Networks Own Lines Built With Slave Labor. USA Today- Feb/21/2002. 21. Cromwell, Sharon: Dred Scott v. John F. A. Sandford: A Slave's Case For Freedom and Citizenship. Minneapolis, Minnesota, Compass Pointbooks, c2009

22. Curto, José C. & Soulodre

#### Reference 18 - 0.01% Coverage

CONDITIONS OF DESCENDANTS Secondary Sources:

12. Allen, Richard B. 1999. Slaves, Freedmen, and Indentured Laborers in Colonial Mauritius. Cambridge: Cambridge University Press.

13. Benedict, Burton. 1958. Cash

#### Reference 19 - 0.01% Coverage

group: to be caste minded.

- Each of the three adult forms of social insects: female (or queen), male and neutral (laborer, soldier).

In this extensive definition, caste

#### Reference 20 - 0.01% Coverage

privileged and exclusive social class.

The use of the 'caste' terminology in 'Zoology' is all but neutral for us, as we will explain later. Zoology then means a group of animals having the same ascribed activity; most of the time one can take as an example the most socially organized species such as bees. Each 'caste' then designates a 'social' function: laborer or soldier, for instance.

Truth and Justice Commission 617

#### Reference 21 - 0.01% Coverage

so-called "socio-cultural associations".

No positive evidence has been found concerning colonial power or estate owners widely using castes as a means of social control of the labor force in Mauritius. Nevertheless, one has to be cautious about the fact that categorizations born during or even after indenture, and certainly being fossilized since then, represent a danger for the Mauritian nation, and an obstacle to its unity.

- Penalizing caste discrimination

First of

#### Reference 22 - 0.01% Coverage

SCAR OF SLAVERY ON DESCENDANTS

The selective breeding of the biggest and strongest slaves was a profitable endeavor for the slave owner but devastated the slave family structure. It was a method that reinforced the idea that slaves were little more than human livestock, which were to be used and / or abused at their owners' whim. The psychological toil that the practice of selective breeding took on slaves is presumably immeasurable, and a valuable tool with which to wage psychological warfare against slaves. Due to selective breeding, some slaves were deprived of the right to develop monogamous family relationships. Through it, slaves could be forced to

copulate with those that the master deemed suitable for breeding purposes, in order to ensure that he had a ready supply of strong able-bodied slaves to perform labor at the highest rate possible.

Psychologically, selective breeding influenced slaves

#### Reference 23 - 0.01% Coverage

1985. pp. WS 79-87.

9. Sen, Samita, "Without His Consent?": Marriage and Women's Migration in Colonial, International Labor and Working-Class History, No. 65, Agriculture and Working-Class Formation, Spring, 2004, pp. 77-104.

10. Tinker, Hugh, A New

#### Reference 24 - 0.01% Coverage

were only explorers, not colonisers.

The first to settle in Mauritius were the Dutch in 1638. They expanded sugar cultivation to Mauritius and brought labour from Batavia. Batavia was founded by the Dutch in 1619 and its population was mostly composed of Chinese immigrants, traders and victims of kidnapping. An account of "Francois Leguat who visited Batavia in 1697," described his encounter with the Chinese people as being "as white as Frenchmen", hardworking and talented in commerce."<sup>158</sup> Thus, it was not unlikely that the Dutch should introduced slaves from Malaysia and China, Bengal, the Malabar Coast or Extreme Orient to Mauritius.<sup>159</sup> However, "since the Dutch abandoned Mauritius around 1710, there are no known descendants on the island from this period."<sup>160</sup> In the 18th and 19th centuries, colonized by the French and the British, Mauritius became a colony deeply depending on the slave labor for its plantation workforce.

3.2 Chinese Slaves and

#### Reference 25 - 0.01% Coverage

##### 2.2.2 Methodological Framework

The foundation for measuring the value of slave labour is the application of a political-economic model of asset-pricing<sup>39</sup> in which we assume that the value of slave labor

is determined by

traditional economic

#### Reference 26 - 0.01% Coverage

a committee of Enquiry was

set up to enquire into "the most advantageous mode of disposing of the labor of the Indian convicts [...]."<sup>67</sup> After having classified the convicts as effective, half-effective and invalid, the Committee reached the conclusion that:

(i) "The cost of the

#### Reference 27 - 0.01% Coverage

to an end in 1827.

**4.2 Protest for artisans, laborers and small planters and the advent of trade union**

It was not before 1936

**Name: References to Labour in Mauritius Report**

<Files\\Mauritius Report> - § 1442 references coded [5.78% Coverage]

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#### Reference 4 - 0.01% Coverage

a)

(b) (c) (d) (e)

make an assessment of the consequences of slavery and indentured labour during the colonial period up to the present;

conduct inquiries into slavery and indentured labour in Mauritius during the colonial period and, for that purpose, gather information and receive evidence from any person;

determine appropriate reparative measures to be extended to descendants of slaves and indentured labourers;

enquire into complaints, other than

#### Reference 5 - 0.01% Coverage

before elaborating on the recommendations.

We shall elaborate on our observations on slavery and indentured labour first and then comment on the work undertaken to elucidate all cases of dispossession of land.

SLAVERY

As regards slavery, it

#### Reference 6 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION

and Malagasy origins, as these are lumped in the group of 'General Population'. The Housing and Population Census of 2000, however, indicates that this group of citizens should number well above 250,000. Our historical research has demonstrated convincingly that the process of exclusion of descendants of slaves, prevailing today, originated at the time of abolition of slavery. The cheap labour policy adopted then by the plantocracy and the Colonial State, contributed into their leaving the plantations. Further development in the 19th and 20th

centuries would confirm this trend

#### Reference 7 - 0.01% Coverage

the development of the country.

#### INDENTURED LABOUR

There is the perception that

#### Reference 8 - 0.01% Coverage

decided to suspend further recruitment.

Although a lot of shortcomings were attended to, when the authorities decided to allow the resumption of immigration of Indian labour, there was still much room for abuse: wages were on the low side, housing conditions were poor and hours of work unregulated. Indian immigrants who refused to renew their employment contract with the same employers were arrested under Vagrancy Laws, imprisoned and inflicted corporal punishment.

Frustration continued to gather momentum

#### Reference 9 - 0.01% Coverage

allocation of food and housing.

Land acquisition by Indian immigrants was greatly facilitated by sugar estates owners in order to put to use much of the marginal lands held to maximize sugar production. The massive purchase of uneconomic plots of land through morcellement was another way to plough back whatever savings had been made by immigrant workers thanks to great personal sacrifice and hard work. It is true that by the year 1900 around 40% of the land surface under cane cultivation were held by Indian immigrants and their descendants; production was however on the low side less than 20 % of national output in sugar. But much of the land acquired were uneconomic in spite of invisible labour provided by the small planters themselves. This emerging class of small planters represented hardly a third of the bulk of Indian- Mauritians, the rest until the second half of the last century continued to lead a precarious life as labourers on sugar estates or as unemployed.

With the drop in prices

#### Reference 10 - 0.01% Coverage

this agricultural activity appears evident.

The sugar unrest in 1937 and the labour unrest of 1943 mostly by Indian labour workers and small sugar planters are here to attest of the struggle to change their precarious living and working conditions.

The centralization of sugar estates

#### Reference 11 - 0.01% Coverage

higher education for their children.

The inside story of Indian immigrants and of their descendants continued to be marred by caste prejudice. Class demarcation was even encouraged on sugar estates when it came to appoint labour supervisors (sirdars). On sugar estates until recently the sirdars emerged as a class of employees who wielded considerable power and received higher wages and could thus acquire the best plots of land from estate managers. In spite of the fact that connection with India has been severed more than a century, caste prejudice continues to dominate much of the religious, social and political life among people of Indian origin while such prejudices become exacerbated at election time.

#### ECONOMY

The slave trade allowed

#### Reference 12 - 0.01% Coverage

exacerbated at election time.

#### ECONOMY

The slave trade allowed many in Mauritius and France, to accumulate wealth. This paved the way for investment in estates, land and business. The fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th indentured labour in the 19th century and continued cheap labour in the 20th centuries; cheap, century. The contribution

#### Reference 13 - 0.01% Coverage

20th

centuries; cheap, century. The

contribution of slaves, indentured labourers and their descendants towards wealth creation has been amply demonstrated in chapter one. Yet, in the 21st century, social and economic progress though impressive in many respects is still lacking in certain aspects: land ownership is still skewed in favour of the economic elite while certain groups, particularly of Afro-Malagasy origin, are landless. Recommendations towards a more equal redistribution of land for a more sustainable future Mauritius constitute a form of reparations for loss of land.

But the landless today were

#### Reference 14 - 0.01% Coverage

searching for long lost land.

Labour, which has constituted the bulk of population since the early days of Mauritius, must be given due consideration that it deserves in a democratic society. There is a need to define a new social contract whereby the labouring classes are not considered as mere factors of production, but as human beings with fundamental rights and participating fully in wealth creation of the country. The State should do the needful, in terms both of introducing new legislation, and of contributing in the development of a new mindset both in the public and private sectors.

There is a need to



#### Reference 15 - 0.01% Coverage

Chairperson.

Truth and Justice Commission

The President shall establish a Truth and Justice Commission whose objects shall be to make an assessment of the consequences of slavery and indentured labour during the colonial period up to the present.

The Commission shall make recommendations

#### Reference 16 - 0.01% Coverage

shall – (a)

(b) (c)

(d)

conduct inquiries into slavery and indentured labour in Mauritius during the colonial period and, may, for that purpose, gather information and receive evidence from any person;

determine appropriate measures to be extended to descendants of slaves and indentured labourers;

enquire into a complaint other

#### Reference 17 - 0.01% Coverage

Bill, the Prime Minister added:

"The history of our country is based on a continuous quest for freedom and social justice. Our past has been marked by the forcible removal of thousands of people from the mainland of Africa, Madagascar and Asia. These are the darkest and most shameful pages of our history. The introduction of indentured labour under slavish conditions was no less shameful and evil."

Finally, the Prime Minister stated

#### Reference 18 - 0.01% Coverage

who should be the beneficiaries.

In 2002, another attempt was made by the party of Mr Sylvio Michel, who was then in Government in coalition. R. J.C Armance, Third Member for Grand River North West and Port Louis West, One laid a private motion asking for a Commission to look into the 'all aspects of damages sustained by slaves and by indentured labourers and their descendants and to make such recommendations as it thinks appropriate on the mode of obtaining financial compensation from parties concerned for the prejudice suffered (Private Member's Motion Debate No 26 of 26.07.2002). However no Commission was ever set up. By this time, claims for reparation were being made also by States, particularly in the 2001 Durban World Conference on racism. In Resolution 56/266, acknowledging slavery as a crime against Humanity, indentured labourers were also included as people who had suffered. Mr. Michel stated in Parliament that Mauritius was far ahead, as it was the first African country to discuss such a motion.

In August 2007, a task force was set up to work out the terms of reference of a Truth and Justice Commission. The members were: Professor Robert Shell, the Most Rev. Ian Ernest, Dr. Vijaya Teelock, Associate Professor Reddi, Mr. Benjamin Moutou and Mr. Lindsay Morvan. Its terms of reference were not vastly different from the first committee, except that the committee did not retain the objective of "identification of institutions and individuals responsible". At this stage, there was no mention of inquiries to be conducted on land issues.

The scope of the measures for reparations was to be for structural reforms, more particularly to “set up institutions that would redress the injustice caused to the descendants of slaves and indentured labourers”. When the Bill was finally

#### Reference 19 - 0.01% Coverage

report in a separate volume.

As soon as the Truth and Justice Commission Act was promulgated, Professor Robert Shell was appointed as Chairman of the Commission and four additional Commissioners were appointed: Dr. Vijayalakshmi Teelock (Vice-Chairperson), Mr. Benjamin Moutou, Dr. Paramaseeven Veerapen, Mr. Lindsay Morvan. On 8th April 2010, Mr. Morvan resigned from the Commission and the President of the Republic appointed Mr. Jacques David on 1st July 2010 to fill the vacancy. Premises were obtained in the capital, Port Louis, and a plan of action was drawn up. This included a communications policy, a website, and a brochure in four languages, English, French, Creole and Bhojpuri (the text was drafted by Mr. Morvan and translated by Mr. Robert Furlong, Dr. Police Michel and Ms. Suchita Ramdin). There was also a logo competition and a workshop which focused on major themes such as Gaps and Silences in the History of Slavery and Indentured Labour, Methodology and Approaches, Achieving Justice and Equality. A notice was published, inviting the public to participate in the work of the Commission and to send in documents. Contact was made with the media, which resulted in extensive coverage on television, radio and in the print media.

In order to fulfil its

#### Reference 20 - 0.01% Coverage

number of consultants and staff.

It was further decided that there would be three broad areas of research; firstly, the revision of History from 1723 to 2009 (slavery, indentured labourers and identification of elements of History which have not been studied yet or hidden or not known, i.e., the caste system, post-1835 situation of ex-slaves, etc); secondly, the consequences of slavery and indentured labour on society. Thirdly, measures to achieve Social Justice. In addition, a number of critical specialist studies were undertaken on land, reparations, the role of religion and the collecting of views of people who are not so visible or vocal through Oral History.

There were a number of

#### Reference 21 - 0.01% Coverage

and St. Brandon Islands; Recommendations.

Several workshops were conducted which brought together experts from different fields, including Slavery, Education, Economics, Law and Indentured Labour.

From the outset, a very specific focus was on Recommendations in each of the above areas, and a broad set of recommendations was drawn up, in order to try and respond to the suffering, the degradation and exclusion of people of slave and indentured labour descent.

The challenge facing the Commission

#### Reference 22 - 0.01% Coverage

## THE TRUTH AND JUSTICE COMMISSION

The Commission is aware that however substantial our Recommendations are, they cannot adequately respond to the hurt, the suffering and loss of dignity which many Mauritians have experienced in the past. We cannot bring back the dead, but if the measures we propose are implemented, it will markedly improve the quality of life for descendants of both slaves and indentured labourers who have suffered during the colonial period.

I now submit our recommendations

### Reference 23 - 0.01% Coverage

and the established political class.

The Commission has found that dividing the working classes has always been the strategy of the elite. The general tendency since the 19th century was to portray those of African origin as lazy and anti-agricultural labour while those of Indian origin were portrayed as frugal minded and hard working. The religious factor also can be added as one group became heavily Christianised while the other retained their Hindu and Muslim faith. The Creole working class, is today made up of people of mainly of mixed African and Indian origin, and are mostly Christians. In the wake of independence being conferred, there were two opposing forces. The Creoles happened to align themselves in the anti-independence faction, while the Indo-Mauritians were in favour of independence. This episode has embittered relations between the two groups since.

The strategy of 'divide and

### Reference 24 - 0.01% Coverage

and religiously-inspired parties emerged.

Communal hatred was thus accelerated from the early 1960s and has lasted, to some extent, to this day. This feeling that there was 'domination by the majority community' was now fully embedded in the minds of part of the working classes. Part of the PMSD electorate were dissatisfied when the latter joined the Labour Party in a Coalition Government with the Labour Party, integrated the newly formed 'Marxist' party, the Mouvement Militant Mauricien. The MMM was also joined part of the electorate of the Labour Party.

The apprehension still exists among

### Reference 25 - 0.01% Coverage

1. Apology The Commission recommends:

(i) that in the light of injustices suffered by descendants of slaves and indentured labourers, the Republic of Mauritius and other institutions make an official apology through the President of the Republic, the Prime Minister and private institutions connected with slavery and indenture, such as the Catholic Church, the Chamber of Commerce and the Mauritius Sugar Producers' Association.

(ii) That a resolution to

### Reference 26 - 0.01% Coverage

the National Assembly.

## 2. Memorials

The slaves who were brought to Mauritius were brought against their will. The inhuman treatment they endured was a crime against Humanity; they received no payment for their arduous hard work. Indentured labourers were also treated very badly, but at least, they came of their own free will and were paid, albeit a very low wage. We recommend that a Slave Museum be built, honouring the memory of all slaves who underwent horrific treatment under their masters and in recognition of the contribution which they made to the development of Mauritius.

The Commission further recommends that consideration be given to commemorating 23rd August (UNESCO Day of Remembrance of Abolition of Slave Trade) as a Day of Remembrance and Reconciliation which will more fittingly honour both slaves and their descendants, as well as the descendants of indentured labourers. The Commission also recommends that a monument be erected on the Caudan Waterfront as a reminder of the arrival of slaves.

3. The Commission recommends the

### Reference 27 - 0.01% Coverage

contribution of slaves to Mauritius.

3. To assess the quantitative value of the labour by future researchers trained in Economic History and historical statistics.

4. A review of case

### Reference 28 - 0.01% Coverage

ii.

iii. iv.

v. vi.

land and housing; labour;

social and economic networks ( from

### Reference 29 - 0.01% Coverage

11. RECONSTITUTING THE MAURITIAN FAMILY

64. CREATION OF A NATIONAL GENEALOGY CENTRE i. To assist Mauritian families, many of whom are descendants of slaves and indentured labourers, in their quest for identity, to reconstruct their family tree.

ii. Provide Mauritians with all

### Reference 30 - 0.01% Coverage

are really sustainable or not.

89. TO ESTABLISH VEGETABLE GARDENS AND SMALL FARMS ATTACHED TO SCHOOLS TO PROMOTE RESPECT FOR MANUAL LABOUR AND/OR PRODUCERS OF HAND MADE PRODUCTS.

Visits by schools to be

#### Reference 31 - 0.01% Coverage

statement, especially to the press.

1.2. A website to be designed to include the following:-the Act, Members of the Commission with their CVs, a bibliography of slavery and indentured labourers, a chronology of Mauritian History and links to other institutions.

1.3. A brochure on

#### Reference 32 - 0.01% Coverage

Michel, and Ms. Suchita Ramdin.

1.4. A logo Competition. 1.5. First Workshop of which the main themes would be: 1.5.1. Gaps and Silences in the History of Slavery and Indentured Labour; 1.5.2. Methodology and Approaches; 1.5.3. Achieving Social Justice and Equality.

1.6 A notice to

#### Reference 33 - 0.01% Coverage

three broad areas of research:

1. Revision of History from 1723 to 2009 (slavery, indentured labourers, and identification of elements of History which have not yet been studied, is hidden or not known, i.e. the caste system, post-1835 situation of ex-slaves, etc.);

2. Consequences of slavery and indentured labourer for Society; 3. Measures to achieve Social Justice.

2.2 In addition, a

#### Reference 34 - 0.01% Coverage

through collection of Oral History.

2.3 Sub-Committees were created to manage these projects: 1. Landownership and dispossession; 2. Educational system; 3. Measures to further Social Justice and National unity; 4. Housing Policy; 5. Historical issues relating to slavery and indentured labour; 6. The particular situation of ex-slaves after 1835; 7. Culture and Identity.

To empower Mauritians to research

#### Reference 35 - 0.01% Coverage

Historical evolution of social justice.

Project No. 10 Oral History of Descendants of Slaves and Indentured Labourers:

a. Collection and analysis of

#### Reference 36 - 0.01% Coverage

by the University of Mauritius;

b. Analysis of Interviews of descendants of indentured labourers collected by the AGTF. Project No. 11 Rodrigues, Chagos, Agalega and St Brandon Islands.

### 3. PROGRESS OF WORK

In

#### Reference 37 - 0.01% Coverage

##### COMMISSION 1.COLONIALISM AND MAURITIUS

The emergence of Capitalism as an economic system in Britain and in other European countries created the conditions for the development of Colonialism. Colonial expansion and colonial wars were essentially economic in character: the spice trade with Asia, the quest for markets for the industrial produce of the Colonial Powers, the development of plantation economies and societies in the colonies to produce cheap goods for European countries, the resulting demand for unwaged labour of enslaved people and, later, for cheap labour of indentured labourers, and finally the demand for raw materials. Underlying these historical processes was the insatiable pursuit of profits and capital accumulation by the Colonial Powers, in particular the traders, the emerging mercantile and industrial bourgeoisie and later by the financial bourgeoisie, of the European Colonial Powers.

Under these circumstances, Colonial Powers developed labour systems in the colonies most appropriate for their interests: the enslavement of peoples across the world, especially of the African peoples and, thereafter, indentured labour. But slavery was more than a labour system: it was the most exploitative and socially and culturally oppressive of all economic and social systems. Indentured labour imported from British India and elsewhere was part and parcel of the transformation of the slave system into the new emerging capitalist system: still exploitative and oppressive, though to a lesser extent than slavery, and with wages, albeit very minimal.

Dutch Period (1598–1710)

In

#### Reference 38 - 0.01% Coverage

threat of British occupation.<sup>1</sup>

Both the British and the French were interested in ebony cargo. Woodcutters, convicts from Batavia (in the East Indies) and slaves were the main forms of labour used by the Dutch. However, in 1658 the VOC decided to leave Mauritius because they found that, overall, the settlement was not profitable and that the Cape of Good Hope was becoming their strategic refreshment station. Shipwrecks brought the Dutch to Mauritius during the period 1658 to 1664. In 1664, the uncertainties associated with the threats of the French and British and the demand for ebony trees prompted the Dutch East India Company to settle in Mauritius for a second time. This second period of colonisation lasted until 1710. Initially, there was an attempt to develop the potentially profitable trade in slaves, ambergris and ivory on the East coast of Africa and in the neighbouring islands. But the Third Anglo-Dutch War of 1672-1674, the war with France of 1672-78 and the presence of European pirates were unfavourable to the development of such commercial endeavours, although the trade in ebony with Holland and Batavia was evolving successfully. Given the constraints and the fact that the Cape of Good Hope was an efficient establishment and a good stopover for the ships, in 1706 the Dutch East India Company decided to end its establishment in Mauritius; by 1710, that decision was implemented and the Dutch left Mauritius for good.

The Dutch had, in effect, started a set of historical processes which would dominate the history of Mauritius: the introduction of sugarcane (though to produce arrack and rum only), using enslaved people from

Madagascar, India and South-East Asia as labour, developing slave trade in the region, developing trade between Madagascar and Mauritius, using Mauritius as a strategic position in the  
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the colonists; the upper classes

(i.e., l'état major de l'île) obtained 126 hectares (i.e., 312 arpents or multiples of it) known as "grande concession", whilst soldiers and workers obtained 63 hectares (156 arpents) known as "petite concession."<sup>3</sup> Any attempt to develop agriculture created an increasing demand for labour. There was a third category of land grants: smaller areas of land within conglomerations.

Regulations governing the grants included asking colonists to cultivate their land within a period of 3 years, failing which, they would lose it. Each colonist was also given 20 slaves. In return, the colonists had to pay yearly one tenth of their produce to the French East India Company. Any attempt to develop agriculture created an increasing demand for labour. According to Loughnon, 156 ships called at Mauritius between 1721 and 1735, prior to the arrival of Labourdonnais, most of them being Company ships.<sup>4</sup> A total of 650 slaves, according to Filliot, were brought to Mauritius from Madagascar, Mozambique, India and West Africa.

International trade and, in particular

#### Reference 40 - 0.01% Coverage

or négociants) developed and thrived.

The period between 1735 and 1746 was characterised by the administration of Mahé de Labourdonnais who, because of a secure harbour, chose Isle de France, rather than Bourbon, as his base of operations to expand French influence in the Indian Ocean. On the one hand, slave trade was significantly enhanced and, on the other hand, vast infrastructural works were undertaken to transform Port Louis into a capital, port, warehousing and commercial centre. The labour of the enslaved peoples was the dominant form of labour but additionally, French contractual workers (engagés) and artisans from Madagascar and India were brought in. When Labourdonnais arrived in Mauritius in 1735, there were 638 slaves in a population of 838. According to Filliot, 1,200 to 1,300 slaves were brought annually so that, within five years, the number of slaves had quadrupled to 2,612, while the number of French had barely doubled.

Port Louis harbour became the

#### Reference 41 - 0.01% Coverage

was financing agricultural production."<sup>12</sup>

As far as the slave population was concerned, the slaves were defined as chattel labour ('biensmeuble') according to the 1723 Code Noir, and they were considered as the private property of their owners. They had no right to property of their own. The Code Noir effectively ensured that the enslaved peoples remained as coerced, unwaged labour and their labour power was reproduced to sustain the slave system. The Code Noir had included the definition of slaves as 'biens-meuble' so slaves could be insured and inherited as fixed assets. In case of loss of slaves during a revolt, bad weather or disease, compensation could be claimed. The slave population grew steadily in size during the 18th century, from 2,533 in 1746 to 15,027 in 1767, to 33,832 in 1787, to 60,646 in 1806, to reach 63,821 by 1810, prior to the British conquest. Their occupations

consisted mainly of agricultural labourers, household servants, fishermen, artisans, port workers and sailors. The enslaved people faced a harsh regime. CharpentierCossigny, an Engineer, in 1753, noted that "the company was hiring slaves, then starving them to death".<sup>13</sup> According to him, "for every skilled slave in an 'atelier', there were another ten or so manual labourers performing the essential back-breaking tasks of breaking and carrying stones, digging trenches, loading and unloading ships, building roads." This 'vast army' of Government slaves included many women.<sup>14</sup>

There was much resistance by

#### Reference 42 - 0.01% Coverage

phases of British Colonialism worldwide.

The first wave of British Colonialism took place when Britain undertook the colonization of North America and the Caribbean Islands in the 16th century. But labour supply was a major issue. For various reasons, native Americans could never be incorporated in the colonists' plan. European indentured labour and convict labour from England were brought to work on the plantations and to provide for badly-needed specialized craftsmanship, such as those of the carpenter, tinsmith, etc.

In the Caribbean, the British business community found that indentured British labourers were not capable of satisfying the demand for sugarcane cultivation in the Tropics. Furthermore, British planters wanted to maximize their investment in labour and recoup the costs of the transport of labour as quickly as possible by working the indentured very hard. This policy acted as a deterrent to prospective workers back in Britain, so much so that labour shortage became somewhat permanent by mid 17th century. Convict labour from Britain provided short-term relief, but this measure was not sustainable.

The solution to what appeared as the intractable problem of labour shortage was found: coerced African unpaid slave labour. Gradually, Africans were enslaved and replaced European indentured labour on plantations, producing sugar, cotton, tobacco, coffee, amongst other crops. It was the triumph of the 'most powerful driving force' of Colonization, that of the pursuit of profit. This driving force underpinned the intense intercolonial rivalry and colonial wars in the Americas and the outrageous economic and social exploitation of the enslaved African peoples. In Mauritius, this motive is hardly mentioned and the major contribution of the enslaved African peoples to the creation of wealth has been conveniently ignored, both during the French and British periods of Colonisation.

But British Colonialism, having triumphed

#### Reference 43 - 0.01% Coverage

of Cape of Good Hope.

For the sake of completeness, it is worth noting that the third wave of British Colonialism reflected the changes happening in the industrial and financial developments of the European Colonial Powers. The demand for raw materials, labour and land became more and more important, leading to a scramble for Africa.

In the 19th century, Britain

#### Reference 44 - 0.01% Coverage

system, made possible by various



factors, the main one being the consolidation of Britain as an advanced economic, industrial and financial power in the world. Slavery was abolished in most possessions of the British Empire in the 1830s. But the plantocracy needed labour and, where necessary, it looked elsewhere for cheap labour. Thus, cheap indentured labour on a massive scale progressively replaced the labour of the enslaved peoples so that the maximization of profits and capital accumulation might be perpetuated. The solution, then, was to turn to those vast reservoirs of cheap labour, India and China, respectively a colony and semi-colony of Britain. Slavery and indentured labour were, amongst other things, labour systems created and nurtured by French and British Colonialisms in Mauritius to serve their economic interests. For an understanding

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system to evolve differently.

##### Conclusion

Colonialism, whether Dutch, French and British, was never interested in the development of the enslaved peoples, the indentured labourers and other forms of labour. The quest for profit and capital accumulation brought them to Mauritius and led them to wage colonial wars among themselves and against indigenous peoples across the world for centuries until the 20th century. This quest has been systematically and conveniently underplayed. The Colonial Powers developed societies which were characterized by extreme economic exploitation and by unparalleled social and cultural oppression. Economic and social structures and corresponding policies were developed to ensure that their objectives were met. There has been a striking continuity underlying these historical processes: development for the Colonial Powers and the colonists but underdevelopment for the colonized peoples and, in particular, for labour. Inclusion and material wealth for them, as opposed to exclusion and minimal welfare to ensure the reproduction of labour, if not outright poverty, for others.

In fact, the economy grew

#### Reference 46 - 0.01% Coverage

life of Isle de France.

The labour system that prevailed relied mainly on the slave system, with contractual workers from India and France.

The rigid class and racial

#### Reference 47 - 0.01% Coverage

system for the enslaved population.

1.2.2 Slavery and the Sugar Industry (1823-1835): Value of Slave Labour

Following the British conquest of

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labour to contribute to wealth creation. The Free Coloured People was very much present, with one or two being prominent planters and slave owners; similarly, there were one or two such planters/slave-owners of Indian origin.

The economy was thriving and the enslaved population were forced to work harder than ever before to ensure the expansion of the Sugar Industry. Their contribution to the creation of wealth in the period 1823 to 1835 was very significant. The value of slave labour for that period was assessed by the Commission, using a micro economic model of slave prices, developed with age, sex, ethnicity occupation of the slaves and sugar output and time (quarter) as explanatory variables. Once an estimate of slave prices was obtained, a political-economic model of assetpricing was used to assess the value of slave labour. Assuming a working life of 10 years for the slaves and a discount rate of 7%, the aggregate value of slave labour per year obtained for the corresponding period:

(i) (ii) (iii)

1823–1825

#### Reference 49 - 0.01% Coverage

77.6 in the sample.

The results give the aggregate value of slave labour for the slave population as a whole. Moreover, the modeling exercise took into consideration the fact that certain key events had an impact on slave prices and on the value of slave labour. When tariffs were equalised in 1825, this provided a major boost to the expansion of the Sugar Industry and, hence, on slave prices and the value of slave labour. In the early 1830s, there was much public debate on the forthcoming abolition of slavery, which, in turn, had an impact on slave prices and on the value of slave labour. Hence, the value of slave labour is estimated for three different periods as given above. For the period 1823 to 1825, the value of slave labour, as a whole for each year, is estimated at £1.0 million; similarly for periods 1826 to 1830 and 1831 to 1835, that value is respectively £3.0 million and £2.0 million. (See Volume 4 Part VIII of TJC Report: The Economics of Colonialism, Slavery and Indenture for more details).

#### 1.2.3 The Economics

#### Reference 50 - 0.01% Coverage

of the situation in Mauritius.

From the mid-1830s onwards, Indian indentured labourers were imported into Mauritius from a reservoir of very cheap labour in British India. British policies in India on land had already caused an increase in landless peasants and internal migration. With the maintenance of slavery in India, there is no doubt that, to some extent at least, this had contributed to the depression of wages of the Indian labour force; in turn, the prospective indentured labourers would be in a position to accept very low wages.

Thus, the following question arises

#### Reference 51 - 0.01% Coverage

leave the plantations "en masse?"

Moreover, in the end, the British Imperial Government decided to provide £20 million as compensation to the slave owners together with a so-called apprenticeship of six years for praedial slaves. That apprenticeship turned out to be very similar to slavery with the emancipated enslaved labourers working

for no wages during their normal working hours. They were subject to very harsh conditions and heavy penalties for non-performance or ill-performance of their duties.<sup>17</sup> The slave owners, and in particular the plantocracy in Mauritius, both British and French, together with the British credit houses, obtained £ 2.1 million.

There is no doubt that

#### Reference 52 - 0.01% Coverage

approval of all and sundry [...])

#### 1.2.4 The Aftermath of Emancipation and the Arrival of Indentured Labour

For quite some time, it

#### Reference 53 - 0.01% Coverage

The British West Indies" (1978),

"By 1842, the immediate reactions of both planters and ex-slaves to the emancipation had occurred, and although some measure of stability had been achieved in labour relations, there was general complaint on the part of employers of the scarcity, the unreliability and the high price of estate labour".<sup>18</sup>

Thus, in British Guiana, the

#### Reference 54 - 0.01% Coverage

across time, duly recognised today.

In Mauritius, the planters paid the apprentice labourers less than one-quarter of the wages paid in Jamaica.

On the 14th May 1837, Lord Glenelg wrote:

"The employers generally declared themselves

#### Reference 55 - 0.01% Coverage

sur la plupart des propriétés..."

(Eng. Trans «Here, it was better handled. It is true that there was a point of comparison: the pay of indentured labourers. It is on this pay that has been calculated the remuneration for 'extra service', and the transition will be a natural one on most estates.»)

But the British Imperial Government

#### Reference 56 - 0.01% Coverage

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Government of Mauritius, the French plantocracy and the British traders/financiers converged consciously in implementing a cheap labour policy which knowingly would do much harm to the emancipated enslaved peoples. The latter were excluded from the mainstream economy, deprived of any wages and of any land and housing in an increasingly monetised capitalist economy. The subsistence economy, to which the apprentices were used, was threatened by the capitalist economy and by increasing pressure on land by the

expanding Sugar Industry. Their marginalisation and exclusion would be accelerated with the massive importation of indentured labour. It is important to note that the importation of indentured labour started in the late 1820s somewhat scantily. Moreover, in 1834, before the abolition of slavery and the end of the apprenticeship period, indentured labourers from India were imported on a rather large scale and worked side by side with the slaves and later with emancipated slaves: the low wages of the latter depressed those of the apprentices for their extra-service. By 1839, by the end of the period of apprenticeship, about 25,000 indentured labourers had been brought in.

The emancipated slaves were logically bargaining for reasonable wages for extra service during the apprenticeship period. But the planters, who were always aiming at maximising their profits, developed strategies to counter that bargaining of the emancipated slaves. In 1834, one plan submitted to the Mauritian Chamber of Commerce demonstrated the cheapness of Indian labour over local labour.<sup>19</sup> In 1993, the historian, Marina Carter, expressed the opinion that the planters' decision and both the Imperial and Colonial governments' approval to import several thousand of Indian indentured labourers as from 1834, prior to the abolition of slavery, effectively drove the emancipated slaves away from the plantations. She wrote "Whilst the continuous labour which the migrant under contract was obliged to undertake, the cheapness of importation and the dependency of the new arrivals provided the preconditions for the adoption of the immigration strategy, it was the arrival of several thousand Indians during the 1830s which sealed the fate of the local workforce."<sup>20</sup>

It is of importance to

#### Reference 57 - 0.01% Coverage

which the apprentices found themselves:

"When the ex-apprentices were freed in 1839, scenes of riot and disturbance took place all over the island. The ex-slaves refused to work, alleging, for one reason, that they had been ill-treated by the former masters having sent to India for labourers."<sup>21</sup>

Moreover, opposite views were expressed in the written press and by other authors. But, the article of Le Mauricien of 12th February 1838 referred to above, revealed an optimistic view of the future with regards to the transition from slavery to indentured labour and some self-satisfaction in the policies adopted in spite of criticisms from the Imperial Government:

"Nous pouvons donc en conclure

#### Reference 58 - 0.01% Coverage

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However, the planters and other European observers at that time were projecting a negative image, if not a racist image, of the apprentices, alleging that they refused to work and were lazy. This representation of the apprentices' reaction to the planters' cheap labour strategy serves to cover up the true motives of the planters as well as of the Colonial government. Further, from the Colonial office, the reactions were not better, except from James Stephen who

"warned in vain that the

#### Reference 59 - 0.02% Coverage

arguing that Indians had been

brought for the express purpose of rendering the proprietors independent of the existing supply of labour.”<sup>22</sup>

This cheap labour strategy would later on be used to depress wages of the Indian labourers and would render unemployment and poverty endemic in the 19th and 20th centuries.

#### 1.2.5 Labour Systems

In both French and British periods of colonization, colonies could not survive without labour and, in particular, without a continuous supply of plentiful unpaid labour.

Several types of labour co-existed. Slave labour was the dominant form but some non slave labour, convict labour and indentured labour, mainly from British India were also used. Additionally, there was the indentured labour of Liberated Africans who were captured from slave ships on the high seas by British ships, in the context of fighting illegal slave trade.

Skilled labour was needed to cater for certain occupations such as those of masons, carpenters, tinsmiths etc; this was provided by engagés. They were most important, especially at the beginning of colonization under French rule, since the enslaved peoples were required to work on the plantations and as domestic servants, and there was a lack of specialized skills required for factories, workshops and public infrastructures.

Moreover, with the expanding Sugar Industry, with the abolition of slavery and the seasonal character of sugar production, the demand for labour was very pronounced. The British Empire provided the different forms of labour to satisfy this varying seasonal demand. Convict labour was cheap, controllable and easily replaced.<sup>23</sup> The labour of convicts played a most important role “in building the communications necessary for the development of the sugar industry which was to place Mauritius at the centre of global trading networks”.<sup>24</sup> From 1815 to 1837, there was a regular supply of mainly Indian convicts from Bombay and Bengal; from Ceylon, there were about 1,500 in all.

Indentured labour, especially during the British period, would become the dominant form of labour by the mid 19th century.

Finally, there was the labour of the ‘recaptives’ or the ‘liberated slaves’. Following the abolition of the slave trade in the British Empire in 1807, the British Government sent its Navy to seize enslaved peoples on board French and other ships. Those slaves were referred to as ‘liberated Africans’, a misnomer as they were far from free. In effect, they were given to private employers or a Government Officer as apprentices or indentured labour for a period of up to fourteen years.

During the period 1811 to the early 1840s, given the rapid expansion of the Sugar Industry and given the abolition of slavery and the uncertainties associated with the importation of indentured labour, these liberated slaves or ‘recaptive’ Africans played a most important part in helping to mitigate the unavailability of a sufficient labour force, somewhat like the Indian convicts. Moreover, the employment of ‘recaptive’ Africans kept going until the late 1860s; by then, the Sugar Industry started facing a severe crisis due to international competition and local factors, such as epidemics and cyclones, and the need for the ‘recaptive’ Africans was no longer felt. It must be noted, too, that they were not freed at the time of abolition of slavery but continued to work until the full term of their apprenticeship.

Moreover, the ‘recaptive’ Africans had

#### Reference 60 - 0.01% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

‘benevolent’ attitudes/policies of British Colonial Authorities towards the ‘recaptive’ Africans as a disguised slave trade and as a pool of cheap labour readily available, as and when required.

The different forms of labour used by the Colonial powers and the corresponding legislations developed to control the different forms of labour were essential ingredients for the success of colonisation. The consequences for the labouring classes were not given due consideration.

#### 1.2.6 Other aspects

#### Reference 61 - 0.01% Coverage

the planters and merchants class.

There prevailed an ideology to justify this state of affairs, and racism constituted a pillar of that ideology. Those who resisted, in some way or other, were considered as lazy or indolent, or even vagrants. Labour was expected to be tied to the plantations in the economic interest of the plantocracy; any deviation from this policy was perceived and presented as linked to some form of innate insufficiency.

The foundations of a resulting

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#### VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 3. INDENTURED LABOUR AND BRITISH COLONIALISM 1.3.1 The International Context

Post-slavery Mauritius witnessed the development of the capitalist economy based on cheap indentured labour from British India on the one hand, and on the free trade policy of the British Imperial State on the other hand. During the 19th century, with the defeats of the French in the Anglo-French colonial wars, Britain emerged as the most powerful economic, industrial, financial and military power in the world.

The internal economic and political development of Britain interacted intimately with the international interests of the British Empire, in such a manner that the interests of the British Imperial State and of its varied economic and financial forces were safeguarded. The British colonies were marginalized as and when those interests needed them to be safeguarded; the British Caribbean Islands and Mauritius would be among such marginalized colonies. The British Colonial Business Community adapted and moved around within the British Empire: some British sugar companies left the Caribbean region to invest in the fast-developing Sugar Industry in British India during the latter half of the 19th century. Structurally, the economic system in these colonies would be geared towards British interests, with a dominant export orientation, and the labouring classes would face unemployment and increasing poverty. The Colonial State in these colonies developed strategies to control the population at large and the labouring classes in particular: a mix of political institutions, social and economic measures/policies, repressive policies and educational policies. Thomas B. Macaulay's 'Minute on Indian Education of 1835, is very revealing indeed, as it applies to the British Empire as a whole:

"We must do our best

#### Reference 63 - 0.01% Coverage

material for the Agro-Industry.

However, following the economic crisis of 1847, there was a brief revival of an imperial preference for colonial sugar, but by 1874, all sugar tariffs were dismantled. Mauritius then went through some very tough times from the 1880s till the 1940s. On top of low sugar prices, stiff international competition demanded that costs of production should be reduced. German subsidies depressed world prices which applied to

transactions in all markets. Competition from Java, and even Germany and Austria, in the main markets of Mauritius required a significant lowering of costs of production. This meant capital investment in the modernisation of factories and an improvement in terms of sugar-cane cultivation. In the latter case, very cheap labour was of great help to the plantocracy. In the former case, there was the 'grand morcellement', whereby the plantocracy mobilised funds by selling land to traders, middlemen, sirdars and ex-indentured labourers. Further, there was the merger of factories which had already started since the 1860s; this process is typical of the Capitalist System, as highlighted at the Mauritius Sugar Industry Conference of 1927 by the following statement:

"In relation to the reduction

#### Reference 64 - 0.01% Coverage

1896 in the Caribbean Islands.

##### 1.3.2 Indentured Labour

Sustained importation of indentured labourers from India started in 1834, prior to the abolition of slavery on 1st February 1835 although Indian labourers were introduced privately as early as 1826. Whilst the indentured system provided for wages to be paid to the labourers and did not deny them the right to own land as opposed to the slave system, the living and working conditions of the indentured labourers were very harsh.

Following the suspension of the importation of indentured labourers in 1839 until 1842 and the related uncertainties with respect to the supply of labour, planters did their best to ensure that labourers were bound to the sugar estates by controlling them in various ways. Legislation, accordingly, was passed, from 1844 until 1867, some of which was very repressive indeed.

Thus, Ordinance 40 of 1844, approved by Governor Gomm, made provision for powers to be given to planters to imprison labourers, without going through magistrates. This piece of legislation was disallowed by the British Imperial Government. However, in June 1844, Ordinance 42 of 1844, a new Vagrancy Law, was enacted whereby indolence by itself was made a criminal offence. It meant that a man who had no permanent home or visible means of support, and who could not explain how he lived, was liable to be apprehended as a vagabond and sentenced to hard labour for twenty-eight days. Further legislation, like extending one-year contract to three years and finally to five years, meant that the indentured labourer could not sell his labour to the highest bidder. The planters, on the other hand, wanted to keep their right to sell their sugar on the London market to the highest bidder.

The overall consequence of the legislation was to depress wages of indentured labourers. This process culminated in the 1867 Labour Law, whereby all Indian immigrants had to carry a pass, thus extending the coercive laws of the "Old Immigrants". The overall objective was to keep old immigrants tied to sugar estates and hence to depress further the wages of the labourers.

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British Imperial Government policy of free trade meant that sugar producers had to reduce their costs of production and, in particular, their labour costs, while optimizing their respective benefits. Hence, the labourers were paid the price financially and lost their various 'freedoms', whilst both the British State and the planters respectively enjoyed free trade and the freedom to maximize their profits by selling their sugar to the highest bidder.

This policy of double standards

#### Reference 66 - 0.01% Coverage

##### Transformation of the Sugar Industry

The impact of international competition, especially with the development of European beet sugar and Britain's policy of free trade was such that the Sugar Industry had to innovate, to bring in new machinery, to improve upon the manufacture of sugar, to develop new cane varieties and to improve field work. In particular, this process demanded a restructuring of the Industry; small family-owned sugar estates and factories merged to produce company owned sugar estates. A process of centralization of factories and concentration of capital began. This process demanded much capital and the parcellisation of land provided the means by which capital could be mobilized. The sales of plots of land to Sirdars, traders, middlemen, free Indian passengers and exindentured labourers occurred during the grand morcellement as from the 1870s; this process gained momentum in the 1880s and the 1890s.

The economic transformation of the

#### Reference 67 - 0.01% Coverage

this new class of planters.

Concurrently, the transport and presence of indentured labourers had a major impact on trade and shipping between Mauritius and British India. On the one hand, the demand for textile products and foodstuffs from India grew considerably as the number of indentured labourers from India increased substantially in the 1840s up to the 1860s. On the other hand, the uncertainty of the international sugar market and the British policy of free trade created conditions for the export of sugar to British India.

As business opportunities opened up

#### Reference 68 - 0.01% Coverage

whilst others settled in Mauritius.

However, labourers on the sugar estates faced harsh conditions, so much so that now and then, they reacted. In particular, in the 1870s, with the help of the planter A. de Plevitz, they sent a petition to the Governor, expressing their discontent. Thereafter, the British Colonial Government brought some improvements in their working conditions, following the recommendations of a Commission of Enquiry set up to look into their discontent. But, in practice, new legislations were not being implemented as expected. Moreover, wages of sugar estate labourers were generally low during the 1870s and well until the 1930s. In terms of paid wages, the Sirdars earned about three to four times the wages of labourers.

(See Volume 4 Part VIII

#### Reference 69 - 0.01% Coverage

4 Part VIII, p. 351.)

By the end of the 19th century, social stratification of the Indian immigrants was very prominent. A commercial bourgeoisie had already settled, together with a growing middle class of job contractors,



Sirdars, traders, middlemen, moneylenders, intellectuals, free migrants and medium planters. However, the labourers and small planters/labourers constituted the vast majority.

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##### 4.1 Early 20th Century

The economic system prevailing in Mauritius by the turn of the 20th century was characterized by regular crises as a result of the uncertainties of the international sugar market, and internal factors such as natural calamities (e.g. cyclones), diseases (e.g. cholera) and strained relations between labour and capital. Crises were equally common in the economic system prevailing and fast developing in the world, culminating in the great depression of the 1930s.

Moreover, the sustained Free Trade Policy by the British Imperial Government and the cheap labour policy of the plantocracy contributed to depress the wages of the labourers of the Sugar Industry. In particular, the continuation of the importation of Indian labourers, though on a small scale, by the turn of the 20th century created unemployment and allowed the plantocracy to make profits and to sustain their way of life. Yet, the Colonial State caused the further impoverishment of the labouring classes through a taxation system which made these same labouring classes contribute more than other social classes in terms of the proportion of their wages and salaries. Thus, for the period 1905-1908, out of an average total revenue of Rs. 9,780,055, the excise duty on rum for home consumption was Rs. 1.67 per litre, bringing the sum of Rs. 1,169,464 to Government revenue, the third biggest contribution after customs duties and the revenue from Government railways. Spirits carried the same level of import duty of Rs. 1.67 per litre. The labouring classes and the poor were the main consumers of rum, whilst the middle and upper classes were the main consumers of spirits. Similarly, the import duty on tea was 60 cents per kilo, whilst that on coffee was only 8 cents per kilo. Again, tea was consumed mainly by the labouring classes, whilst the other classes consumed coffee.

Both the Colonial State and the plantocracy converged in their policies of extracting as much as possible from the labouring classes, whether in the sugar cane fields or in the form of taxes. By the beginning of the 20th century, unemployment and poverty were on the increase and there were a large number of applicants for Poor Law relief. The estate owners wanted, at all costs, an abundant supply of cheap labour during harvest time so that the price of labour, that is, mainly wages, could be kept down. In turn, wages outside the plantation were equally depressed. Unemployment and poverty were engineered and sustained by the plantocracy and the Colonial State to ensure the availability of cheap labour.

This is well illustrated by

#### Reference 71 - 0.01% Coverage

are very revealing indeed.

"Question:

If you have a surplus population unemployed, you would naturally have a large number of applicants for Poor Law relief, and if you import all you want at a time you are hard pressed for labour and keep them here, you are liable to that?

Hon. Fraser: Yes, but I

#### Reference 72 - 0.01% Coverage

at present at any rate."

The Colonial State maintained this state of affairs, as this in turn contributed to keeping the price of sugar low on the international sugar market. In fact, the Royal Commission of 1909 provided support to the plantocracy by recommending that loans should be granted for the rehabilitation of Government railways and for the improvement of cultivation, factory machinery or mechanical tractions and for a remunerative irrigation scheme. There was no recommendation for labour per

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#### Reference 73 - 0.01% Coverage

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se. The Royal Commission did not even try to mitigate the plentiful cheap labour policy. Nor did the Commissioners recommend any help for small planters who lost their limited capital (caught animals) as a consequence of the surra epidemic; yet, they referred to the issue in their report. The only recommendation in favour of small planters was the allocation of a sum of £15,000, that is, Rs. 225,000, to assist in the setting up of Cooperative Credit Societies. These were certainly useful to the small planter community but, a careful analysis of the implementation of the recommendation revealed that its impact was to ensure that as much sugar cane as possible was provided to the sugar factories for processing and for sugar manufacture. This was particularly important for the factory-owners as the centralization of factories needed sufficient cane to process to make it possible to recoup the investments made.

It is of interest to

#### Reference 74 - 0.01% Coverage

to the colonial set-up.

The Royal Commission did not find it appropriate to mention the negative impact of the free trade policy of the British Empire and the cheap labour policy on the economy and the society of Mauritius. Instead, they found it proper to cover up this state of affairs by sowing the seeds of division, somewhat subtly, among the people of Mauritius by reproducing the stereotypes regarding the ex-apprentices which were used at the time of abolition of slavery and the importation of indentured labour; they referred to the "indolent character of the coloured creoles."

##### 1.4.2 The Sugar

#### Reference 75 - 0.01% Coverage

the end of the 1920s.

The British Imperial Government once more came to the rescue of the plantocracy. In 1926, they obtained a loan of Rs. 6 million from the Colonial Government; in 1927, they obtained a loan of £200,000 from the British Imperial Government and Rs. 3 million from the Colonial Government. Further, in 1930, the Colonial Government lent Rs. 3 million to the plantocracy; and finally, in 1931, following a severe cyclone, another loan of £500,000 was granted by the British Imperial Government to make good the loss of property and crop. Thus, by 1931, the plantocracy had accumulated loans amounting to Rs. 20 million. Moreover, there was no relief in sight to small planters or to the labouring classes.

In 1929, the British Government

#### Reference 76 - 0.01% Coverage

investment outside the colony”<sup>25</sup>.

Concurrently, the wages of the labourer were reduced, allegedly to face the depression. Between 1927 and 1931, the overall reduction for Mauritius was 17.6 per cent, whilst for some key districts like Pamplemousses, Flacq and Savanne, the reduction was respectively 25.1 per cent, 27.5 per cent and 28.6 per cent.

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#### Reference 77 - 0.02% Coverage

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The double standards within the Sugar Industry prevailed even in such severe crisis periods. There was overall progress for the estate owners; some could even afford capital exodus, let alone sustain their way of life. But poverty, unemployment and overall underdevelopment persisted for the labouring classes.

##### 1.4.3 Labour, Poverty and Resistance

The reduced wages of Sugar Industry labourers, together with heavy taxation raised by the Colonial Government, made their lives very difficult indeed. The depression had a general effect of increasing unemployment and depressing wages, thus causing an increase in the level of poverty among the laboring classes and the poor. This resulted in the impoverishment of the labouring classes in the 1930s on the one hand, and in the emergence of the Labour Party, through its public meetings, on the other hand. All this created conditions for the development of resistance by these classes. In effect, the 15 per cent decrease in the prices of the Uba cane variety by some sugar estates in 1937 triggered off protests, processions, strikes, marches and generally demands for better wages and against unemployment. In the process, shots were fired by the management of the Union – Flacq Sugar Estate, owned by the Gujadhur family, new sugar magnates of Indian origin, killing four labourers/small planters.

Those events of 1937 are landmarks in the History of Mauritius. Further, in 1938, there were strikes in Port Louis by the dockers and in 1943, Sugar Industry labourers in the North, with three of them shot dead by the police. This unprecedented wave of protests and resistance by the laboring classes forced the Colonial Government to shake off its lethargy and indifference with regard to the laboring classes.

The Colonial State reacted by means of a mix of approaches. There was a policy of severe repression of workers and their leaders on the one hand and of control of the labouring classes through legislation and through the setting up of the Labour Department and other institutions, including some to address the problems of small planters. The founder and leader of the Labour Party, Dr M. Curé was placed under house arrest, whilst, the trade unionist E. Anquetil, a close collaborator of Dr M. Curé, was deported to Rodrigues. Some strikers were imprisoned. For the dockers' strikes of 1938 in Port Louis, the Colonial State used 'black legs' to break the strike in close collaboration with the Mauritius Sugar Syndicate. In fact, the Governor, Sir Bede Clifford asked Mr Jules Leclezio of the Mauritius Sugar Syndicate "to arrange for the sugar syndicate to get into immediate touch with a selected number of estates to collect all the suitable labour required for unloading the trains and loading the lighters....."<sup>26</sup>

Two Commissions of Enquiry were instituted; they made recommendations which the Colonial Government implemented to a large extent. Moreover, in the "Report of the Commission of Enquiry on the disturbances which occurred in the North of Mauritius in 1943", criticisms of the estate owners and their quest for cheap labour were voiced. In particular, the Commissioners wrote:

"Some employers failed to appreciate the labourers' claim to a higher standard of living, their new sense of non-economic values and their rising demand for leisure and better conditions of employment, but on the

contrary, still believed in cheap labour of low standard and forgot the human side of the problems of industry”.

Nevertheless, there were some initiatives

#### Reference 78 - 0.01% Coverage

as from the late 1940s.

As far as the labourers were concerned, some improvements were made in their working conditions.

1.4.4 On the

#### Reference 79 - 0.01% Coverage

zone later in the 1970s.

Moreover, whilst there were some improvements in the conditions of the labouring classes, their fate was that of relative underdevelopment. The continual policy of cheap labour consolidated the exclusion of those found outside the Sugar Industry, given that this policy had an impact on the labour market. Unemployment and poverty still dominated the lives of the laboring classes in Mauritius. The cooperative movement represented an attempt which could have helped these classes, but, unfortunately, it did not rise to expectations. The value and belief system behind the new Capitalist System tended to predominate among the Indian elite and the middle class, killing the fundamental cooperative principles and values.

Overall, the economy grew from

#### Reference 80 - 0.01% Coverage

##### TRUTH AND JUSTICE COMMISSION Introduction

The slave trade permitted many in Mauritius and France, to make small or big fortunes. That latter were invested in estates, land and businesses. The fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th centuries. To more fully document this trade for present and future generations, a Slave Trade database was started and is recommended to be an on-going project which TJC has requested the University of Mauritius and the Nelson Mandela Centre to continue jointly. It will hopefully continue to link up with existing scholars and institutions, such as Thomas Vernet, Benigan Zimba and Richard Allen, to name a few, to pursue the analysis of the slave trade. Younger scholars need to be trained to take up the task and scholarships provided to go overseas.

As far as slavery is

#### Reference 81 - 0.01% Coverage

and what happened to them.

What was the importance of the slave trade and slavery for, and in, Mauritius? What was the contribution of slaves to the economy and society of Mauritius? Slavery is often considered in Mauritius to be a separate institution from whatever else was going on in Mauritius; it is rarely seen as a product of colonial society and economy nor are slaves seen an intrinsic part of Mauritian society in the 18th and 19th centuries. How important was slavery to the economy of Mauritius and what was the value of slave labour? What was the extent of their participation in the economy? What ideology did slavery create in Mauritius? Why was there

so much opposition to the abolition of the slave trade? Who benefited from the slave trade? What was the extent of Government participation in the slave trade? Why was there such a big increase in the slave trade in the 1770s?

What kind of society and

#### Reference 82 - 0.01% Coverage

and indenture on ex-slaves?

This has been answered in Chapter Two, where the economic history of the island has been reviewed from the Dutch period to the present, and where the conclusions are manifest. Continuities in economic systems are clear, as are the economic legacies that slavery and indenture have left us. It is of much concern that an island which has known such repressive labour systems and exploited populations from Madagascar, Mozambique India and China should continue to import cheap labour from the very same countries, in conditions which, in many cases, are deplorable.

What impact did abolition have

#### Reference 83 - 0.01% Coverage

history deserves to be remembered.

The historical ties between Mozambique and Mauritius deserve to be better known and need to be studied further by Mauritians and Mozambicans, It is recommended that joint projects be initiated, funded by Mauritians, public and private, especially Mauritian companies currently operating in Mozambique and using Mozambican labour.

The cultural relationships including lineages

#### Reference 84 - 0.01% Coverage

such as the MCB Archives.

When Liberated Africans were brought in the nineteenth century, they too passed through the same Customs House as slaves. A certain continuity thus existed in the sites used for disembarkation of slaves, Liberated Africans and indentured. After formalities had been completed, the Liberated Africans were taken to the Immigration Depot where they would be registered as indentured immigrants, just like the indentured labourers who were being brought from India. These sites, the Customs and the site of the Immigration Office (today a World Heritage Property) need to be adequately memorialised. However a new symbolical site needs to be identified to memorialise in a permanent way as site relating to the landing of slaves in Mauritius. While other landing places exist for people who have come as immigrants, such as the Salines or at the Aapravasi Ghat, a memorial place for those people brought as 'cargo' is also necessary so that the Mauritian population may see and understand the the full breadth of the trade and all facets of how forced immigration has occurred in Mauritius.

1.9. The Slave voyage

#### Reference 85 - 0.01% Coverage

grâce à de dépenses énormes'136

Rather than import small farmers and cultivators from France, the Company and Government had favoured 'gentleman farming', (Labourdonnais had also envisaged this), with large estates owed by one European colonist using the labour of African, Malagasy and Indian slaves.

The ratio of white to

#### Reference 86 - 0.01% Coverage

emerging in the 18th century.

There was also tension between colonists and the Company over allocation of slaves and competition for the labour of slaves started early on; there was resentment that the Company was keeping the 'best' slaves for itself. Some 12-15 slaves were recommended per inhabitant.

The Company had also, as

#### Reference 87 - 0.01% Coverage

known about food and its

relationship to health and disease. However, the nutritional requirements of slaves and indentured labourers in the 18th and 19th centuries, were similar to what people require today, and they too needed a balanced diet. Slaves and indentured supplemented their diet with food from provision grounds, fishing or gathering wild vegetables and fruits, although both groups frequently complained of inadequate or irregular food rations provided by the owners.

Diet and nutrition during French

#### Reference 88 - 0.01% Coverage

into production.

Diet of slaves

Slaves were generally fed on high carbohydrate foods like manioc, sweet potatoes and maize, and for protein foods, they relied on lagoon fishing for fish, and some raised livestock for animal produce. According to Bernardin de St. Pierre, slaves were given 3 lbs of manioc daily (about 2,000 Kcal, negligible protein) or 2 lbs of maize (3,500 Kcal, moderate in protein). Usually, the slaves started work at day-break, with only a meal of boiled maize or manioc cake. After having laboured the whole day, the slave was obliged to search for his food in the woods and lived on unwholesome roots. White inhabitants did not eat maize or manioc, giving these instead to slaves, cattle and poultry. Slaves and non-White populations were not allowed to eat bread.

Dazille linked the poor health

#### Reference 89 - 0.01% Coverage

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In the late 1820s, sugar began to dominate the island's economy. The local slave regime became more oppressive as the cultivation of sugar spread, the aim of the colonists being to extract from the slave the maximum amount of labour.

Food imports and supplies to

#### Reference 90 - 0.01% Coverage

4,400 kcal during an

"easy day" of repair work and 8,700 kcal on a "hard day" during the harvest, making an average energy expenditure of 5,500 kcal over the year in order to maintain the slave's body weight and strength (Blogen 2004). So, if we suppose that a male adult slave in Mauritius weighed 60 kg., he would need between 3,800 to 7,500 kcal per day, with an average of 4,700 kcal. It is known that work on the sugar plantations was more intense compared to other cultivations. The duration and amount of labour required by each slave varied with the season; hence, the slaves' energy expenditure also changed with seasons.

Therefore, the rations provided were

#### Reference 91 - 0.01% Coverage

drinking large quantities of water.

With all its minor variations, the diet of slaves seriously threatened their physical well-being. The slave diet was deficient in the calories necessary for physical labour, in protein needed to rebuild and repair body tissues and in vitamins to ward off infections and deficiency diseases. If the slaves' diet ever approached adequate standards for maintaining health and sustaining hard labour, it was through their own efforts rather than through their masters' indulgence. Protein was much more likely to come from fishing or from livestock such as pigs and fowls reared in their own time, than from their masters' food allowances. Green vegetables, which they grew themselves, were the likeliest sources of vitamins and other nutrients.

Manioc cakes were less nutritious

#### Reference 92 - 0.01% Coverage

je me suis chargé [...].<sup>166</sup>

The corvée system was used by the Compagnie to extract labour from slaves belonging to private individuals. Slave-owners were required to provide two days labour per year per slave above 14 years old.<sup>167</sup>

Slaves were involved in numerous activities from the very beginning. By the time of the Royal Government, in 1767, the slaves were divided into several occupational categories. Shortage of labourers was felt at this time. The slave trade that ensued after the Royal Government took over resulted in a rise of the labour force on the island. From 19,000 slaves, the working population rose to 31, 908 slaves in 1785.<sup>168</sup>

Only a sample of the

#### Reference 93 - 0.01% Coverage

best slaves for itself.<sup>169</sup>

No better direct evidence of the crucial importance of slave labour for the expansion of the colonial economy is available than the report based on the census carried out in 1763. The relationships between land, labour and capital is clearly shown (Table 2). Distribution of slaves, after a slaving voyage, was not carried out efficiently with the result that many large estates with potential for cultivation could not do work to maximum capacity because they received an

Reference 94 - 0.01% Coverage

mill Private entrepreneurs in wood  
Labour force in non-agricultural activities  
Total slave population  
Number of

Reference 95 - 0.01% Coverage

000 7,130 19,000  
No. of labourers among them  
1,206  
8,06 413

Reference 96 - 0.01% Coverage

COMMISSION 2. Contribution to Infrastructure

An enormous amount of construction work was begun when Governor Labourdonnais came to Mauritius in 1735. The whole infrastructure of Port Louis in the 18th century could be said to have been built mainly by slaves. However, the contribution of French engagés and free skilled people from various parts of the world. The first colonists were not keen on engaging in construction work, and so a large number of slaves were brought from India, Madagascar, West Africa and Mozambique to furnish the labour power required. Labourdonnais organized workshops, each supplying

Reference 97 - 0.01% Coverage

2. Road and canal construction

A large number of roads and bridges were built using corvée labour, while many were repaired by the slaves, but the numbers employed in this work were never sufficient. Several hundred more were needed. The Governor noted with concern that many European families were leaving the islands at this time, and he needed to give them more encouragement to stay. Giving them carts pulled by 4-5 oxen would be one incentive, so that slaves could be released for work on the farms rather than in transporting goods to town. Hence the need for good roads :  
«J'ai fait réparer les principaux

Reference 98 - 0.01% Coverage

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processing of goods, packing, carting, transport, drying, preventing damage by rats, etc. Coffee storage, for example, required 40 to 50 slaves to put 5-6 thousands of unshelled coffee seeds in the sun which wasted over 2 hours' labour everyday. Such numbers were required because there were few mechanical methods



devised, and slaves were used for every type of activity that could be done manually. This approach was criticized by the Company itself:

«Pour y mettre 5 à

#### Reference 99 - 0.01% Coverage

le bout de manche [...]»<sup>183</sup>

Slaves were needed for the weighing and filling of sacks of wheat but here too, labour was insufficient as one inhabitant complained:

«La petite quantité de noirs

#### Reference 100 - 0.01% Coverage

and defence of the colony

A very large number of slaves were also needed for the security and defence of the islands. Although there were qualms about using and arming slaves to defend the colonies, there was not much choice, given the shortage of free European labour and soldiers.

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#### Reference 101 - 0.01% Coverage

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FORTIFICATIONS Corvée labour was also used to build fortifications all over the island:<sup>196</sup>

«Nous avons fourni à la

#### Reference 102 - 0.01% Coverage

raisonnement qui nous paraît juste.»

In 1753, slaves were still building fortifications. Moreover, as Megan Vaughan observes “the slaves placed at Charpentier-Cossigny’s disposal for the building, of the fortifications included as many women as men, all of them engaged in hard manual labour.”

Slaves were also used in

#### Reference 103 - 0.01% Coverage

to reduce government expenses.<sup>217</sup>

Labour required by Government was carried out using corvée labour. For road construction, in 1771, each inhabitant had to supply 4 days of corvée per slave.<sup>218</sup> But by 1772, more slaves were being sought by the Government. In October 1772, Poivre requested that one-tenth of all slave cargo should go to the King/Government. <sup>219</sup> These were now required for maintenance of public buildings civil and military. In 1776, a list was published of the slaves in the King’s service.<sup>220</sup> Maintenance of a Government slave cost the Government 6 sols per day. According to Poivre, many slaves had started taking a liking to their job because he had allowed them to choose their trade:

Reference 104 - 0.01% Coverage

dredging of the Port.<sup>222</sup>

By 11 July 1780, the census revealed that the King had a total of 3,206 slaves and had lost 58 slaves in 2 years. <sup>223</sup> The expenses incurred for the maintenance of the 'Royal' slaves provided the justification for the King to instruct the Government in Mauritius to sell off the non-effective slaves. Thus, only effective labour and their families would be retained, and all others sold.

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Reference 105 - 0.01% Coverage

aux travaux les plus pénibles."

(Eng. Trans. Humanity does not allow us to sell invalids who have spent their lifetime in hard labour)

"Les femmes, dont l'utilité pour

Reference 106 - 0.01% Coverage

free Coloured or freed slaves.

The Muslim part among the French India population has been studied by Emrith and Jumeer. Most had come from from Bengal. Their history needs to be further researched using notarial records and Civil Status records. Although there was reluctance to use non-Christian labour, the shortage of labour had forced Governors to engage Indian Muslim sailors. They were all Urdu speaking, according to Jumeer. We know from research, conducted with one family who has traced their ancestry to the French period, although they have kept the memory of their family origins that they seem to reject their Indian ancestry. In 1805, they secured from Governor Decaen a plot of 250 toises to build a mosque, an unthinkable act in an island where Catholicism was the only authorized religion. However, it fitted in well with the principle of segregation of races, as envisaged by Decaen and so, may not seem so incongruous an action, in hindsight. The separate cemetery created at Rivière Lataniers was also symbolic of the separation of cultures at this time, demanded by part of the population itself and allowed by French Authorities. It is among this group that the first Yamse religious festival was held in 1765 (Emrith: 9).

By the end of the

Reference 107 - 0.01% Coverage

SLAVES AND SUGAR 1815-1835

The lives of slaves under the sugar regime have been documented in Bitter Sugar, using the testimonies of some 647 slaves making formal complaints to the Protector of Slaves between 1832 and 1835. The complaints emanated mainly from slaves on sugar estates and provide a detailed picture of what life for slaves was like under the period of sugar expansion. Sugar expansion is documented in Chapter One. Following the ending of the slave trade and the resulting 'shortage' of labour to meet the needs of an expanding economy, the slaves endured even more hardships, and their lives became much more stressful

between 1815 and 1835. This also impacted on their families as many were either sold or transferred to other estates and districts, causing a dislocation of families.

Slaves who had hitherto engaged in occupations not requiring hard physical labour were brought into plantation work and many did not survive this shift. Women, who had traditionally stayed at home or were working in domestic service, were also forced to shift to plantation work. Children and the elderly were brought in and given lighter work on the plantation ('petite bande') and in herding cattle. That itself, although not requiring hard physical labour, meant much longer hours of work and a 7-day working week.

Anyone familiar with sugar plantation

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##### THE TRUTH AND JUSTICE COMMISSION

decreasing average heights. A comparison of the heights of 3,739 slave children aged 4 to 18 years, with the NCHS2 Growth Charts made in 1826, showed that the heights of Mauritian slave children were significantly below the NCHS reference throughout the age range studied. These differences in heights may have a genetic component, particularly since some Mauritian children had Indian and Malay ancestry, but it seems likely that malnutrition, disease, and hard work played a part in keeping the slave children short in stature. At 18 years of age, boys were about 25 cm shorter and girls about 15 cms shorter than the NCHS reference for the respective sex. Both slave boys' and girls' growth curves started to level off much earlier than the NCHS growth curves, indicating that the nutrition of slave children was inadequate to support growth, as well as hard physical labour to which they were subjected at a young age. Figure 1 compares the heights of Mauritian Creole slaves (i.e. born in Mauritius), and modern-day Mauritian Creole adults and US adults. It is obvious that Creole slaves were shorter than even their modern-day descendants, as a result of the chronic under nutrition, hard labour and disease prevalence which they experienced during the slavery days.

In the 19th century, how

#### Reference 109 - 0.01% Coverage

for that of a slave.

The aged and infirm were given work as guards on sugar estates to watch out for fire and theft, but Bonsergent saw many who were neither infirm nor sick but who stole from the estate huge bags of goods. He claimed that every Sunday, slaves went to the canteen. He also described the situation in February and March 1835 when slavery was being abolished. All those slaves in prison were authorised to leave: however, they were all infected with skin infections which led to numerous other slaves being infected on those estates. Proprietors were forced to open makeshift hospitals on their estates to isolate the cases. This occurred at the time of the harvest, and many owners were deprived of the labour of their slaves.<sup>235</sup>

Concerning women, he observed that

#### Reference 110 - 0.01% Coverage

##### TRUTH AND JUSTICE COMMISSION INTRODUCTION

Indenture cannot be studied in isolation from other systems of labour prevailing in Mauritius and the world and, consequently, it was considered important to look at the legacy of slavery in Mauritius and how it affected the situation of a new type of labour being brought in: indentured labour. We further observed

how different labour systems (slavery, convict labour and contract system) coexisted between 1826 and 1839, leading one to conclude that the shortage of labour was felt long before abolition of slavery because the Sugar Industry had started expanding after 1815, when Mauritius became a Crown Colony. The colony also witnessed the ageing of the slave population, due to ending of the slave trade and no decrease in slave mortality rates. In Bitter Sugar, the huge workload physically imposed on slaves on plantations, the disruption in family life, caused by forced migration within Mauritius, have been documented. However, what needed to be further explored was the wishes, desires and attitudes of former plantation slaves. Did they or did they not wish to continue with plantation labour after abolition? Despite planters attempting to control the labour movement of ex-plantation slaves, on some plantations, there is evidence of slaves being chased away, as planters did not wish to maintain ex-slaves and their families on plantations and at higher wage rates, when they could recruit single male Indians and at lower wages. This part of the legacy of slavery in economic terms, as well as the economic situation of indentured, will be discussed in Part Two 'Legacies' which follows this chapter.

We believe the Commission's role

#### Reference 111 - 0.01% Coverage

of literacy of its population.

What were the conditions of indentured labourers on estates? Did all indentured labourers work on sugar estates? Were all indentured labourers Indian or Hindu? Did all indentured labourers obtain land and become educated in baithkas? These are some questions we have answered through fundamental research on demography, landownership and education, as well as detailed histories of families and their lives in Mauritius. Just as it has been stated that one cannot generalize for the slave population, so one cannot do so for the indentured population: the family and life histories presented in Volumes 3 and 4 here show the immense variety of indentured experience, and it is clear that more such family histories, using interdisciplinary methodologies, need to be compiled.

It has been common in

#### Reference 112 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Landownership has also been a sensitive issue in Mauritius, but Indian immigrant's acquisition of land has only studied in depth by Richard Allen. Métayage was another form of 'landownership' but what proportion of indentured labourers, out of the presumed 453,000 who arrived, actually owned land is still not clear. Today, this group of landowners, commonly referred to as 'small planters' and métayers, are facing a crisis as sugar estates reaffirm their control over their land. As these close down, métayers turn to other occupations. It has not been easy for these vulnerable groups to cope with the rapid social and economic changes, where the services which they provided to the Sugar Industry since the 19th century are no longer required

#### Reference 113 - 0.01% Coverage

for dividing the Mauritian population.

Are these consequences of indentured labour or the actions of Mauritians in post Independence Mauritius? The choice to maintain a caste system and to maintain division of ethnic groups in census is clearly a choice

of independent Governments since Independence, and it is difficult to see how the indentured system could be held responsible. The choice not to teach a common history rather than a compartmentalised history, and for political and religious leaders to make public speeches where the failure of one ethnic group to achieve in one particular field is underlined, is a dangerous policy to tolerate. Over the years, this has led to increased social and cultural fractures. To avoid further divisions, these need to be stopped and should no longer sanctioned officially.

It needs to be acknowledged

#### Reference 114 - 0.01% Coverage

same as French sailors.<sup>239</sup>

In addition to free French and Indian engagés, non-slave forced labour was also used in the form of convicts from France and, later in the British period, from India. Women engagées were also recruited, but in smaller numbers. French children, mostly orphaned, were also brought in and placed as apprentices in Isle de France.

Recommendation

The Commission recommends that

#### Reference 115 - 0.01% Coverage

in Isle de France.

Recommendation

The Commission recommends that further study be undertaken on French engagé labour, men, women and children as well as on the orphaned children brought to Isle de France to work.

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#### Reference 116 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

There are many links between slavery and indenture and many continuities. This is perfectly understandable, given that one could not expect that persons, who were once opposed to abolition or even amelioration of slaves' lives, i.e. the future employers, would suddenly change overnight and see or treat the new labour force any differently. It is worth examining some of these continuities as these have been overlooked in debates and discussions on slavery and indenture. This helps one to understand the situation better in post-emancipation Mauritius.

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#### Reference 117 - 0.01% Coverage

##### JUSTICE COMMISSION 2. INDENTURED AFRICANS

Although the stereotypical image of the 'indentured labourer' is that of the Indian, dressed in a 'dhoti' and laboring away on the cane fields, 'other' indentured labourers also existed in Mauritius: those working in the ports, and various types of employment in urban centres as well as those working with private individuals. There was also a large group of Africans, Malagasies and Comorians also brought before and

after abolition of slavery to work on contract in Mauritius. Some had been freed from slave ships illegally trading in slaves, hence the term 'Liberated Africans' being applied to them. They did not benefit from the Act of Abolition of Slavery in 1833 and continued to work with their employers until their contract had expired. The Commission is indebted to two young historians of the Nelson Mandela Centre and the Aapravasi Ghat Trust Fund who have shared their work on the Liberated Africans with us during the recently organized Conference on Slave Trade organized by the Commission. Their contributions are reproduced in part in Volume 4 of the TJC report and will be published in full in the Conference Proceedings by the University of Mauritius.

Brief History

The Act for

#### Reference 118 - 0.01% Coverage

than they received as salary:

'...the ordinary rate of colonial hire for the labour of a negro in one year, and considering the number of years these negroes have laboured, the severity of that labour, and the profits of the sugar plantations for some years past, a compensation might justly be due to the negro for past service rather than any claim of indemnification be asserted by the master for his present release.'

(Extract from Report of the

#### Reference 119 - 0.01% Coverage

slaves and Prize Negroes.'

The import of more African Malagasy and Comorian labourers continued after abolition of apprenticeship in 1839 and the banning of emigration from India. Madagascar, the Comoros Islands, and East Africa were tapped instead for labour. Planters were asked to contribute to a fund and to make known the numbers of labourers each wished to obtain. The local Government was entirely agreeable to this proposal and the task of administering this went to British and local merchants. The Queen of Madagascar and the Imam of Muscat were contacted. Although the Anti-Slavery Society did not approve of these labour schemes, several groups of Malagasy people were recruited on one-year and two-year contracts, amongst which were the 'Marmittes' who were already regularly involved in the cattle

#### Reference 120 - 0.01% Coverage

and the rest had died.

Labourers were also brought in from both east and west coast of Madagascar: legally from the east and illegally from the west by dealing privately with the Saklava.

The Sultan of Muscat also sent 'Baluchis' - strong men from Muscat, carrying goods about the town loading and unloading ships'.<sup>241</sup> This emigration was however stopped when the Sultan decided to send his slaves. Lambert & Co. even created a special company 'Compagnie Anglo-Française de la Mer des Indes' to import labourers from Aden for both Mauritius and Réunion. The British

#### Reference 121 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Government condemned their activities and their two ships, the 'Mascareignes' and the 'Governor Higginson' were seized. In 1856, the 'Mascareignes' in Port-Louis was seized with 325 people from Ibo island and the 'Governor Higginson' seized in Anjouan in May 1857 with 400 labourers bound for Réunion.<sup>242</sup>

In 1841, some 200 Comorian labourers came from the island of Johanna after an agreement was reached with the Sultan of Johanna. More came in 1843.

Between 1839 and 1857, some

#### Reference 122 - 0.01% Coverage

the System 1. Private recruitment

The first labour immigrants were brought in under private recruitment, and that is when many cases of abuses led to it being described as 'new system of slavery'. The prevailing ethos was: □ Cheap labour

The labourers were there simply to supply cheap labour for the expanding sugar economy. This search for labour was no different from the cheap labour required for infrastructural and agricultural works in the 18th century. When the slave trade was abolished from 1810 onwards, planters did not wait for the abolition of slavery to start importing labour; they did so from 1825, 10 years before abolition. Hands were needed for work, and there was little concern for family relationships, cultural habits and wants.

□ Families were not required

Women

#### Reference 123 - 0.01% Coverage

wants.

□ Families were not required

Women would be brought in to service male labourers/slaves, to undertake domestic duties, such as cooking and cleaning, and satisfy sexual needs: " In Demerara," Mr. Gladstone stated, "the females are employed in the field as well as the men; and if the female Coolies will engage to work there, a larger proportion may be sent, say two women to three men, or, if desired, equal numbers; but if they will not engage to work there, then the proportion sent to the Isle of France, of one female to nine or ten men, for cooking and washing, is enough".<sup>243</sup>

Thus numbers of women would only be increased, if their labour was required. It is only when problems arose that more women were allowed to come. As the company named Gillanders needed labour, Gladstone complied.

□ The people with 'no civilization'

#### Reference 124 - 0.01% Coverage

The people with 'no civilization'

One should also never forget that the colonial officials and planters did not have much respect for the 'people' they were bringing in. The first labourers to be recruited were described as such:

"The 'Dhangars' are always spoken of as more akin to the monkey than the man. They have no religion, no education, and, in their present state, no wants, beyond eating, drinking and sleeping; and to procure which, they are willing to labour."

□ Surreptitiously

The first indentured immigration

#### Reference 125 - 0.01% Coverage

are willing to labour."

□ Surreptitiously

The first indentured immigration began in the same way that the slave trade ended: illegally. At this time, Mauritian planters were desperate for cheap labour and engaged in fraudulent practices, by hiding importation of labourers from India. The labourers were forced into prison-depots where they waited for ships to arrive, and where they were:

"then—hurried on board—put under hatches and guards—robbed and pillaged of the advances made to them by the Mauritian agents in Calcutta — shipped in large numbers on board vessels, without the requisite accommodation, food, or medical attendance — brought under the most fraudulent contracts to labour for years on scanty wages, and scanty fare — separated from their families and from their homes — compelled to perform the hardest agricultural labour known, at the discretion of their masters — and without the protection of an upright, impartial, and efficient magistracy."

This, in 1839, was Hugon's

#### Reference 126 - 0.01% Coverage

research purposes.

□ The pass system

In 1839, Hugon reported that immigrants needed to obtain a pass (Billet de passe) to leave the estate. He noted that the apprenticeship system was still going on and on many estates, the pass system had already been abandoned, and hence apprentices were no longer required to have one. It was to him an 'abrogation of personal liberty to which the labourer would never have acceded to' and was not part of his contract.<sup>246</sup>

2. Government Recruitment

Under the

#### Reference 127 - 0.01% Coverage

use of violence and intimidation

Among the consequences of slavery, was the use of violence and intimidation to control labour movements and to enforce strict discipline at work. Although slavery had been abolished, this did not imply an end to employers using violence and intimidation, and this continued for many years afterwards. The excuse given was that these same punishments existed elsewhere in Britain and India for criminals.

Thomas Hugon remarked on this

#### Reference 128 - 0.01% Coverage



discretely removed", he advised.<sup>247</sup>

This mode of behavior was linked to how one conceived of the new so-called 'free' labour. It was indeed difficult for the former slave-owner to separate attitudes to slaves and attitudes to indentured labour; there was, in effect, a continuation of slave mentalities and ideologies. This no doubt convinced the British Government that it had to end the 'bounty' system and take over recruitment and shipping of indentured labourers to Mauritius. The correspondence, published in the Parliamentary Papers, makes for interesting reading in this respect. These abuses thus led the Indian Government to put a temporary ban on immigration in 1839, but it was resumed in 1842. However, many labourers continued to be introduced from French possessions in India.

### 3. Increased labour needs

In early 1840s, the labour needs for the Sugar Industry and for the production of other food was estimated by the Immigration Committee at 30,000 to 35,000, and it was expected that 25,000 immigrants would have reached Mauritius by 1843.

However by this time, Mauritian planters represented in the Immigration Committee also wished to have permanent immigrants, and not temporary ones, as 6,000 immigrants had already left Mauritius by 1844. To do this, however, would have necessitated the introduction of a greater number of women and families.<sup>248</sup> It was not thought necessary to import much more after that year. It was felt that to undertake Government-controlled recruitment and shipping, this could be more efficiently supervised by a Government Emigration Agent based in Calcutta. Furthermore, this was also where rice supply for Mauritius was procured. By October 1843, the Protector of Emigrants reported that the labour needs of the Colony had been met: about 29,000 labourers would have been introduced of whom 2,700 were women and 700, children.<sup>249</sup>

□ Emigration of women

After 1842

## Reference 129 - 0.01% Coverage

from Madras and Bombay.<sup>253</sup>

The aim of this section is to show continuities in how labour was procured, and similarities in attitudes towards slave and indentured labour. It is important to state, however, that one of the most important difference between immigrant labour recruitment and slave trade is that the immigrant, were allowed to return, at least in the early years. This fact is often overlooked by Mauritians who assume that all immigrants settled in Mauritius. The activities at the Immigration depot concerning returnee migrants were so important that the Office had to be extended to accommodate both immigration as well as departure procedures.

From the much quoted figure

## Reference 130 - 0.03% Coverage

### THE EARLY YEARS, 1825-1839

Although indenture is associated with the abolition of slavery and the year 1834, it is little known that Indian labourers were brought in as early as 1825 into Mauritius. A first batch was brought by no less a person than Adrien d'Epinay, the champion of slave compensation for slave owners, 10 years before slavery was abolished. On his estate at Haute-Rive in Rivière-du-Rempart District, it appears that Indian labourers worked side by side with slaves in the sugarcane fields. According to d'Epinay, he wanted to show his slaves that free men did not consider it a 'dishonour' to perform manual labour in the cane fields. This could be considered as the 'first experiment' with indentured Indian labour. The next recruitment came in 1828, when

more labourers were brought in. The following year, the Commercial Agents of Gaillardon & Co., a Mauritian trading company, went to India with the objective of importing cheap Indian labour. They had the firm support of the British Colonial Government of Mauritius and so, on 21st September, the Albion dropped anchor in Port Louis harbour with 500 male labourers, 9 females, and one child on board. A further 600 labourers were brought in that year in smaller groups. By mid-October 1829, there were already over 1,100 Indian labourers in Mauritius.

These early experiments do not appear to have been successful, as wages were considered too low. The employers did not honour the agreements which they had made, and most of the Indians wanted to terminate their contracts. A large number deserted the sugar plantations and showed increasing signs of 'insubordination'. By late October 1829, John Finiss, the Chief of Police, ordered the repatriation of these rebellious labourers. Between the end of October 1829 and May 1830, they were returned to Calcutta and Madras in small groups.

Between 1830 and 1834, there was only a trickle of immigrants arriving between 1830 and 1834. About 10 labourers were introduced in 1830 and another 29 between 1831 and 1832 by Mr. Bickajee, a wealthy businessman. In 1833, another 29 labourers were introduced. In 1834, on the 4th August 1834, the newspaper La Balance announced the arrival, on 1st August, of the Sarah in Port Louis, with 29 Indian workers. The arrival of these labourers served as a prelude to the start of large-scale Indian immigration, with the coming of the Atlas on 2nd November. It is worth noting that the Commission has been unable to find which Atlas came to Mauritius as there were several ships bearing this name: Atlas I, Atlas II, Atlas III etc. At least one of the Atlas was also used to carry convicts to Australia. Further research is required.

On 10th September 1834, 36 'Hill Coolies' of the Dhangar group (originally from the hills of Bihar in Eastern India who were then living in Calcutta) signed a five-year labour contract with Arbuthnot and Co. Their labour contract was written in Bengali. The salary for the males was Rs. 5 per month, while for female labourers, it was Rs. 4 Rupees per month. The sirdar's salary was Rs. 10 per month and the assistant sirdar around Rs. 8 per month. They all received six months' pay in advance before boarding the Atlas. One rupee was deducted by Hunter Arbuthnot & Company to pay for the return passage to India. They had paid for the immigrants' journey from Calcutta to Port Louis. They were also to be provided with food, clothing, lodging and medical care. The ship also carried a large cargo of rice. On the 3rd November, Monday morning, Arbuthnot wrote to Governor Nicolay, requesting that: "they be allowed to land 36 Hill Coolies from the ship Atlas, whom they intend to employ on their Estate, under guarantee that they shall not become a charge on the Colony." Permission was granted. These first Indian labourers were, according to Brenda Howell, "the pioneers of a migration which was eventually to transform the character of Mauritian life and industry." Between November 1834 and April 1839, during the first wave of Indian immigration, around 25,468 Indians were introduced, amongst whom were around 23,281 males, 727 females and 175 children. Almost 15,000 came from Calcutta and Bombay and over 9,000 from Madras and modern-day Andhra Pradesh. More than half of these first Indian immigrants belonged to rural tribes, known as the Oraons, the Mundas, Bhumjais, and the Santals. In his report, Hugon categorised the 14,500 from Calcutta, but not from 'Hindustan', as follows:

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in Mauritius.

The Recruitment process

Of all the countries importing Indian labour, Guyana (Demerara), Trinidad, Jamaica, Grenada, St. Lucia, St. Kitts, St. Vincent, Nevis, Natal, Fiji, Réunion, Cayenne, Guadeloupe, Martinique St. Croix Surinam, Mauritius was the only colony to recruit immigrants all the year round.

There were Central Depots in

#### Reference 132 - 0.01% Coverage

was provided by a banian.

Unusually, the Sub-Recruiters in North-Western provinces were Jewish, but in other areas, recruiters were drawn from all castes, from Brahmans to Chamars, and from chaprassis or higher domestic servants to cloth-sellers, labourers and peons.

Those in charge of registering

#### Reference 133 - 0.01% Coverage

AND JUSTICE COMMISSION Northern India

George Grierson's report of 1883 is one of the most comprehensive surveys of recruitment procedures in Northern India. We have not found a similar document for Southern India, and so the focus of this section will be on recruitment from Northern India, to form an idea of what recruitment consisted of. From Grierson, we have some information on recruiters for Mauritius. They were almost all Brahmin, Muslims or Rajputs. The recruiter in Arrah District was a man named Jhumman Khán. He had originally started out as a recruiter, become a labourer in Mauritius and returned to India and began recruiting again.<sup>256</sup> The MGI database collection on a sample of 209,000 immigrants confirms that Arrah District was one of the main recruitment centres. Apart from Arrah, immigrants also came from Ghazipur, Lucknow, Chapra Districts.

Figure 3 Districts in Northern

#### Reference 134 - 0.01% Coverage

compiled.

Factors affecting numbers emigrating

1. Myths and taboos: The Mimiai ká tel myth: In some districts, where there was less emigration, rumours of horrendous treatment scared away people. For example, it was believed that in French colonies, labourers were hung upside down and oil extracted from their heads (mimiai ká tel). There was also the rumour that they would be forced to become Christians and eat beef.

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#### Reference 135 - 0.01% Coverage

the Temple of Jagannáth.<sup>262</sup>

2. Economic factors: The labour market prevailing at a particular time, the price of rice on the market, the harvest times, existence of large-scale public works and density of population in a particular area, also influenced departure from a particular district. In Northern India, the Darbhanga, Saran, Motihari and Muzaffarpur Districts, where there was a high density of population, the construction of the Maharaja's palace and three railway lines reduced the numbers willing to emigrate. There was also Northward migration into Assam and Nepal. Saran District sent quite a few overseas, but these were not registered as from Saran, but from East Bengal and Calcutta, where they had gone to look for work. Further down in Patna and

Shahabad Districts, there were no major public works and so, much recruitment took place there, particularly from the Northern sub-districts of Arrah and Baksar.

3. Price of food: According

#### Reference 136 - 0.01% Coverage

brought during the Slave Trade.

We have very little knowledge of their lives in Mauritius. Some details can be gleaned from the records, but a more in-depth search is needed. Shreemutty, No. 41293, was photographed on the 3rd June 1881 (see Vol. 3.I.6). She had migrated from Ranchi at the age of 24, on the 25th of April in 1844. She was accompanied by her husband, Nundoo. Bissonauth No. 41416, who arrived at the age of 14 in 1844, was photographed many years later as an adult in 1884. He had migrated from Ranchi and had been employed as a labourer. Pandoo, No. 40335, was also photographed in 1890. A Dhangar, he had arrived in February 1844 at the age of 25 from Nagpur and worked for Mr. Hunter and Arbuthnot as a labourer.

Apart from Dhangars, Mundas were

#### Reference 137 - 0.01% Coverage

or triple counting of immigrants.

Also of interest is Etwah, No. 40415, a Dhangar who migrated from Ranchi in 1844 with his father, Jhoopah, No. 40411. He worked for Hunter and Co. as a labourer. Etwah died at Plaines Wilhems in June 1864 from fever; he is not listed as a Dhangar on his death certificate, but as a Hindu. His place of birth is also

#### Reference 138 - 0.01% Coverage

Coimbatore, on the West coast.

The caste origins of Southern Indian indentured immigrants also reflected similar trends as in the North Indian indentured labour migration. However, in the South, the bonded labour system was strong. Despite the abolition of slavery in 1843 in India, many ex-slaves were sent to Mauritius. This is reflected in the names that are attached to caste names, or by names of individuals, such as Pallan (also spelt Pallen and Pallinin immigration records), Paria, and so on. These came mainly from the Kombakonumr Regions of Madras Presidency.

By way of an illustration

#### Reference 139 - 0.01% Coverage

were Paria, Gentoo or Pallan.

The most striking fact, however, in this case, was not only the caste, but the fact that the bulk, 4,938 immigrant labourers, came in the year of the abolition of slavery in 1843. Many explanations are possible, but none is conclusive, as yet. Did they want to leave of their own accord to escape or were they encouraged to leave, as they were now free, or were they forced out?

IMMIGRANTS FROM TELUGU-SPEAKING DISTRICTS

#### Reference 140 - 0.01% Coverage

AND JUSTICE COMMISSION Bombay Presidency

From Bombay Presidency, the following districts were tapped. It must be noted that a number of Africans and Arabs were also embarked and recruited as indentured labourers from Bombay District. Africans may be of the Sidi community, into which more research is required. Thus, out of 19,225 immigrants, the following districts were sourced. Some of these areas are in fact, not in the districts, but in other countries and regions, for example in Afghanistan, Delhi, Punjab etc. These places need to be seen in conjunction with other maps of different regions of India.

Ratnagiri Konkan

Deccan Satara

Poona

#### Reference 141 - 0.01% Coverage

Maratha

(Soldier, cultivator and service)

Mahar (Weaver and labourer)

Purdasee Hindu

Purwaree Cambatte Muslim

#### Reference 142 - 0.01% Coverage

available in Mauritius.

MUSLIM IMMIGRANTS

Mention has been made earlier of Muslim workers brought in during the French period as sailors, artisans, masons. Their place of residence for those who decided to stay was Port Louis. During indenture in the 19th century, their role and place of residence were totally different since they were now recruited for plantation labour. They were collectively known as the Calcuttyas as they had embarked from Calcutta and were, for the most part, Sunni Muslims. By contrast, the trading community which came as free immigrants, were from Gujerat and were made up of Surtis, Mehmans, Bohras, Khojas and Ahmadists. A smaller group came from the Konkan currently in Maharashtra District. The story of the trading community has been well-documented, but not so for those with indentured ancestry. There are also class and social status differences between them, although, as Amenah Chojoo remarks, these were less among those of indentured origin. The indentured Muslims formed about 17% of the population, according to Chojoo. Shiploads sometimes brought in immigrants who were all of the Muslim faith, and others, of mixed religions. The

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#### Reference 143 - 0.01% Coverage

Rajput, Pathan, and so on.

The history of Calcuttiya Muslims was no different to that of other labourers on plantations. Housing arrangements were made, when they did not want to live near pig-breeders among the labourers families. But, in general, they went through the same evolution. After indenture, many became small planters, share-

croppers (known as métayers in Mauritius) and others migrated to the town of Port Louis and opened textile shops, some of which are still in existence today. It is not known yet how many returned, but one family story does not confirm that there were immigrants who returned after the indenture. Many left families in Mauritius since those born in Mauritius, were not eligible for return passages. One immigrant returned to India, kept up a correspondence with his family, but remarried and reindentured to Guyana and was lost from view from then on.<sup>270</sup>

Out of the 209,000

#### Reference 144 - 0.01% Coverage

##### OF BIHAR AND BENGAL IMMIGRANTS

Attention has been given to the caste origins of indentured labourers from Northern India, given the controversies that arose when the Commission decided to request a copy of the MGI database for the exercise of tracing the Indian origins of Mauritians. The study of the caste background of immigrants had however not been the original intention of the Commission in seeking access to the Immigration Archives. It became necessary however to make a few points concerning the caste origins of immigrants. Further study is required. The database has been reworked and additional information added to conduct this preliminary analysis.

Grierson, who toured all the

#### Reference 145 - 0.01% Coverage

##### WORKING CONDITIONS ON SUGAR ESTATES

The control of indentured labourers by wages cuts, by laws restricting labour mobility as well as physical mobility has been discussed in Chapter 1. By the 1870s, as analysed by Mishra, just as the planters had found maintaining slaves expensive, when amelioration laws were passed, so by the 1870s, planters found that when numerous laws were passed to improve conditions of labourers, their revenues might decrease as a result of more spending on social services for labourers. The planters' strategy was what it had always been: change the terms and conditions of the labour system. Thus, now, they no longer wanted labourers on the estates on a permanent basis, but rather on contract for only the work required. As for ex-slaves, the changing labour conditions impacted on the immigrants' decisions to settle in Mauritius and return to India. In Mauritius, the popular tendency is to focus on those who stayed and label them as 'successful' immigrants. But most Mauritians have chosen to ignore those who left and who never survived their indenture. Nor has there been an examination of the reasons which prompted immigrants to return to Mauritius. When ALL the immigrants' experiences are taken into consideration, the picture is less rosy than is usually presented.

Sugar estates needed, not only to maintain sugar production, but to expand, and so it was crucial to maintain Indians in sugar production as no one else would do it. Manual work was despised and no Gens de couleur would deign to labour the land. Sugar estates, thus, sold or leased to the Indian immigrants so that they could continue producing sugar and supply it to the sugar estate. This intimate relationship between planter and labourer, turned small planter, emerged, and to this day this remains a highly problematic one. The métayers' dependence on the good-will of the mill and estate owners for land leases was always, and is up to today, fraught with difficulties. Despite political will, it does not appear that the métayers and small planters have benefitted as much as the big planters/millers from the millions given by the European Union to palliate the negative effects of abolition of a guaranteed EU market for Mauritian sugar.

Roland Lamusse, the most Senior

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Vol 3.1.7 Couacaud).

The pertinent parts that concern us today are the complaints concerning the non-payment of wages and planters and sirdars or job-contractors making illegal deductions from the wages of labourers, or planters failing to provide adequate lodgings and sanitary conditions in estate camps.

These abuses continued after the end of the indentured labour period and are clearly visible in the oral testimonies of elderly sugar estate workers themselves.

Wages

According to the 1875

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sugar estate workers themselves.

Wages

According to the 1875 Royal Commission, the non-payment of wages constituted one of the worst abuses of the indentured labour system, as reflected in the large number of complaints brought before the Courts by both Old and New Immigrants (Frere and Williamson 1875:582). Apart from keeping wages in arrears often for two to three months or more, the Royal Commissioners drew attention in particular to the "double-cut", a method used by planters to reduce the wages of labourers two days for every day on which they were recorded as being illegally absent. The Royal Commissioners pointed out that the "double-cut" was not in itself illegal, as originally viewed by the British Colonial Authorities with some degree of apprehension, when it was first proposed by the planter-dominated Legislative Council and then, eventually passed into law with the passing of Ordinance No. 16 of 1862.<sup>272</sup> What was not legal was the manner in which the "double-cut" was

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used by planters, sirdars and job-contractors, to make deductions from wages, by recording labourers as absent when they did not complete a set task.<sup>273</sup>

The "double-cut" enabled planters to save enormous sums of money on wages,<sup>274</sup> but worse was that immigrants, who went to lodge a complaint with the Authorities or were imprisoned for an offence, were fined a further two days of wages for everyday they were absent. In many cases, it was used as justification to prolong their contracts or to force them to re-indenture. This was exactly what happened to slaves when they had to complain to the Protector of Slaves: they were flogged for absenting themselves without permission of the owner. This illegal use of the "doublecut" had become customary amongst planters and encompassed a wide range of deductions ranging from fining labourers for the theft of thatch or the loss of tools and even for collecting grass or brèdes from rivers and streams without permission.<sup>275</sup> But it was with respect to marking labourers as absent, when they did not complete set tasks and making deductions from their wages, without recourse to the decision of a Magistrate, which the Royal Commissioners found particularly objectionable. This "fiction", as it was described by one prominent Colonial Official who was

interviewed by the Royal Commissioners, consisted of marking a labourer as "sick" for not completing a set task, even despite the fact that the labourer had, in fact, worked on that day:

"Regarding deductions for unfinished tasks

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days, and fined accordingly."276

What confirmed how widespread this illegal practice was for the Royal Commissioners was when they consulted the pay books of sugar estates. Upon inspecting these books, such as those of a member of the Chamber of Agriculture, whose conduct the Commissioners presumed should have been more exemplary than others, they found clear evidence that the proprietor of the estate had been fudging his records.<sup>277</sup> Apparently it was common practice for planters to mark labourers as absent for unfinished tasks in the columns of their books, but when asked by the Royal Commissioners for permission to inspect their books and pay-sheets, it was evident that pencil notations had been deliberately rubbed out to mislead the Commissioners.

However, we should not be deluded into thinking that the illegal use of the "double-cut" to make deductions from wages of labourers was only restricted to the planters. Although mention is often made in the literature on indentured labour in Mauritius, of the usurious rates of interest charged on loans to labourers by sirdars and job-contractors, rarely do we find any reference to the fact that sirdars and job-contractors also took advantage of labourers and "robbed" them of their wages.<sup>278</sup> The 1875 Royal Commission seems to be less clear about the evidence against sirdars, who, like job-contractors, were resented by planters because they could not control them and also because they were highly dependent upon them. With respect to job-contractors, however, which the Royal Commissioners point out in their report is "closely connected with the Sirdar system-the Sirdar being, in fact, a job-contractor under another name", the evidence is much clearer. The Commissioners cite a report by a Stipendiary Magistrate, named Mr. Daly, who, based on his halfyearly inspection of estates in the District of Savanne claimed that

"[J]ob contractors are, of all employers, the most unscrupulous in endeavouring to profit by the curtailing of their servants' wages, as he had, within the first six months, detected a system of illegal and unjust marking as absent, men whose amount of work or task did not satisfy the employing job contractor. He also, on the next page, mentions two cases, one at "Beauchamp," and another at "La Flora," where job contractors had marked for the forfeiture of wages, as if the labourer had been really absent, men who had not performed their allotted task."279

There is also evidence of job-contractors resorting to the "double-cut" in order to prolong the contracts of labourers in their gangs and make false records in their pay-books. Just like planters, job-contractors were able to take advantage of the 1862 Labour Ordinance to mark as absent

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labourers who had to walk five miles to work and thus spent half their time walking rather than working, or of being able to gain one month of work at no expense, if a labourer was absent 14 days in a month.<sup>280</sup> One of the reasons why planters resented job-contractors was because they were able to gain these benefits without having to provide the same kind of facilities that planters were required to by law. Yet, there is evidence that some job-contractors owned or ran their own estate camps and of even providing rudimentary medical care in some cases.



Lodgings  
According to the Royal

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care in some cases.

Lodgings

According to the Royal Commissioners, it was not until a new Ordinance was introduced in 1867 that planters were required by Law to provide lodgings for their labourers, as the provision of lodgings had, until then, depended upon the contractual agreement signed between the parties prior to the immigrant leaving India. But it had in fact become customary for indentured immigrant labourers from India to be housed by planters, and, initially, it would appear that many were housed in the former lodgings of ex-slaves.

The Royal Commissioners state that

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made of thatch and straw,

but they also visited several estates that had stone range barracks, among them "Mont Choisy", "Bois Rouge", "Trianon", "Antoinette", "Esperance", "Bel Air", "Benares", and "Labourdonnais", which struck the Commissioners as being superior to the more common thatch and straw huts.<sup>281</sup> However, some of the labourers preferred thatch and straw huts to stone range barracks, the reason presumably being, according to one medical expert, that thatch and straw huts were healthier because "you cannot get contagion out of stone walls". It apparently never struck this medical expert or the Royal Commissioners that labourers preferred thatch and straw huts because they would not have been nearly as hot as the stone range barracks which were made no doubt of local volcanic stone and were less well-ventilated than thatch and straw huts. Some labourers were also forced by planters to build their own dwellings. Yet this does not mean that labourers were unwilling to avail themselves to lodgings provided for them at the expense of planters, after being required by Law. After Ordinance No. 31 of 1867 was introduced, servants had brought 75 complaints against masters, but only 11 were proved because of the ambiguous wording of the Law.<sup>282</sup>

Sanitary conditions

The 1875 Royal

#### Reference 153 - 0.01% Coverage

and of inadequate latrine provision:

"On 206 estates from which we have received returns, there are only 13 on which there are any arrangements whatever for conservancy in the camps. At "Providence," as mentioned before, we found one camp swarming with pigs and filth, but the other as clean and neat as could be wished. So also at "Beauchamp," where the people were certainly well-treated, the camp was in bad repair, dirty, untidy, and swarming with pigs. The very excellent camp at "Labourdonnais" was dirty, notwithstanding that there was a most suitable "parc a cochons" for the pigs; and while the planters object to Government appointing the medical men, because it will sever the connection between the labourers and their employers and put an end to the interest the planters take in their labourers, they will not hear of being made answerable for state of the camps, in which they lodge their labourers and foster the causes of sickness, because if they should trouble

themselves upon those subjects, the labourers will leave them, and go to other estates where they are allowed to do more as they please.”<sup>283</sup>

The general view at the

#### Reference 154 - 0.01% Coverage

Frere and Williamson 1875:350).

The Royal Commissioners did not reject out of hand the planters’ argument that Indian immigrants were less conscientious about hygiene than Europeans seemed to be, pointing in particular, to their propensity to use cane fields, when latrines were not available. Nonetheless, they were adamant that planters should be held to account and “made answerable, not only for the health of their labourers, but that their habits do not tend to injure, not only their own health, but that of others.” The Commissioners made a number of recommendations regarding how planters might improve sanitary conditions in estate camps, the introduction of a system of latrines being one of the most important conditions which they identified.<sup>284</sup> They also recommended that inspectors be empowered to enforce compliance with sanitary regulations and to penalise offending parties without the need to resort to police intervention.<sup>285</sup> The Commissioners were no doubt unaware of how prescient their recommendations would later turn out to be.

In the early 1920s, J

#### Reference 155 - 0.01% Coverage

twentieth century.

Women under indenture

If slavery and indenture as economic systems have received due attention on the part of scholars, the lesser-known aspects deserve also mention. Indentured labourers like slaves, brought with them their cultures, life-styles which they were in varying degrees able to keep. In the case of Indian labourers, how were their cultures and social life transformed by indenture? In other words, what was the impact on their non-working lives? Women have been recognised in Mauritian history as having kept the traditions brought from India. This was possibly because they stayed at home, unlike other labour immigrants and so were able to provide the nurturing roles. The absence of women, for example, in the early years deserve mention, as this was a matter of concern for authorities.

As Marina Carter (1992:115

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after 1842, it was the

“only [British] colony which failed to engage Indian women as indentured labourers. The numbers of women formally employed on estates was consequently never very high, even in the principal sugar-growing districts ... In 1846 9% of the total Indian female population was registered as part of the plantation labour force. At the time of the malaria epidemic in 1867, less than 100 women were reported as working on the sugar estates. By 1871, when the next census was taken, this figure had risen, even so, only 7% of women [or 1,808 Indian females out of a total estate population of 24,425] were officially employed as plantation workers.”<sup>287</sup>

Marriage patterns

One consequence of

#### Reference 157 - 0.01% Coverage

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Age of labourer on day of engagement  
Figure 21 Wages of children

#### Reference 158 - 0.01% Coverage

MNA:B2/Blue Book/1860

Child labour continued well into the 20th century, when the Labour Act of 1908 which banned child labour. However, a 'minor' of the age of thirteen and upwards up to sixteen shall be free to engage under written contract of service for one year only with the consent previously obtained of the parents or guardian'.<sup>293</sup> Poverty kept many at work especially as this Law did not cover domestic service. The attraction for parents was the wage which the children received and also the rations which were sometimes given in lieu of wages. This tradition of parents of 'forcing' the child to work to bring revenue to the family has continued up to this day for daughters are encouraged to go to work as maids for example, instead of being in school. Indian children particularly, also tended

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society as persons who would take over from their parents in field labour and domestic work. Thus, education would change the mentality of children, and it is not surprising that many resisted such education for their children. Many plantation owners, for their part, used the same arguments as under slavery, and expressed fear that education might lead to rebellion. Knowledge was considered 'a dangerous thing'.<sup>294</sup> The fear was as real as it had been during slavery. Indian 'traditions' under indenture  
How

#### Reference 160 - 0.01% Coverage

caste leather worker) or Brahmin.

In Mauritius, the real caste identity of indentured labourers may be different to what is listed in official registers of immigrants for reasons well studied by historians. Individuals are declared under caste names (Ahir) but also with sub-caste names, professions, or regional origins (Bengali). We cannot be sure how far the British Officials understood all the 'caste' terminologies of potential immigrants. Secondly, emigration offered an opportunity for upgrading one's caste status. But opposite strategies were also used: to secure the right to emigrate, one had to prove one had experience at field work: the British started inspecting the hands of emigrants to check for signs of the immigrants having performed manual labour. The registers thus show a multi-caste type emigration, quite representative of the Indian caste distribution (Deerpalsingh 2000; Servan-

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casteless Hindus, due to indenture.

One can infer that the so-numerous 'Vaish', identified in Mauritius today, probably belonged to other castes before indenture. This is to be regarded as another example of upward caste mobility. Some 'jatis' belonging to lower castes in India have been 'upgraded' in the Mauritian caste system. But such upward mobility often goes hand in hand with temptations to deny the popular origins they shared with other indentured labourers. This reluctance to acknowledge their real history may explain the MGI's insistence that caste information of indentured should not be revealed to public. This attitude is reminiscent of descendants of slaves in Mauritius as well as descendants of convicts in Australia. In Mauritius, however, this is tied up with claims of political representation and caste quotas.

Upward mobility was also possible

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already there.<sup>296</sup>

Estate camps

The first Indians to arrive in the 1830s and 1840s, shared the same living and working spaces as the ex-slave population still on the estates. Ritual purity and occupational specialization were left behind during the sea voyage and the installation in camps. These spaces have been cited as presenting obstacles to the reproduction of the Indian caste system in Mauritius by Hazareesingh and Benoist, among others, who stated that Indian indentured labourers waited until they left the estates to settle in villages (in the 1880) to reproduce the Indian social structure.

In the camps, the absence

#### Reference 163 - 0.01% Coverage

affiliations and jahaji bhai relationships.

Regional origins were yet another important identity marker. The historical records show "a certain propensity for immigrants from the same home district in India to settle near one another" (Allen, 167). Marina Carter (1995) also explains how the strategies of 'returnees' for recruiting new labourers reinforced the process of bringing together people from the same district and villages. This strategy, based on the returnee's social network enabling him to contact and convince new candidates, was bound to help maintain caste solidarity and logic.

Castes with the largest numbers of individuals, such as the Ahir, the Chamar or the Dusadh, were probably more prone to endogamy and, consequently, to a reinforcement of their caste identity, whereas castes with fewer members, incapable of maintaining endogamy, were probably led to renegotiate their status in the local hierarchy through new marriages and life-style strategies. The universe of plantation estates was not at all unknown to Bhojpuri labourers, as these existed in India as well. The estate camps would not necessarily represent a major rupture with the compulsory conditions of the caste system.

To conclude, indentured immigrants from

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of the Indian population.<sup>300</sup>

Furthermore the motives of the British in promoting education was far from humanitarian. It was essentially based on the 'civilising mission' and the need to pacify populations. Illiterate immigrant labourers were seen as 'barbaric' and possible threats to the 'civilised order of plantations'. Education would transform them into peaceful citizens.

The immigrants' own languages were

#### Reference 165 - 0.01% Coverage

to teach in vernacular mediums.

As far as the colonial authorities were concerned, despite this awareness about the lack of education among the immigrants, the need to provide education to the labourers and their children did not fit into the scheme of things for planters, neither did it attract the attention of the administrators in the first few decades because, for Mauritian authorities, Indian indentured

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labourers were primarily 'transient sojourners' who had come to Mauritius as labourers to work on plantations and would eventually return to their homelands. Therefore, there was no logic or requirement to provide education for them. The more fundamental reason for this slackness towards providing education was the inherent logic of capitalist production system which does not permit any investment for which there was no material return. Since performing menial labour in the cane fields did not require any specific knowledge, there was no motivation for planters to invest resources in making arrangements for the education of immigrant labourers or their children. Even the missionaries, who were considered to be very active in providing education to the underprivileged classes, somehow did not get involved in the 'mission' of educating the Indian immigrants. Superintendent of Schools, R. H. Walsh, noted this inaction of missionaries in 1859 for which he put the blame on ignorance of missionaries in languages spoken by the Indian immigrants,

He argued for English as

#### Reference 167 - 0.01% Coverage

16).

##### Food production and supplies

On some estates, Indians cultivated vegetables and reared animals such as cows, goats or pigs. Estate owners allowed the rearing of animals inside the camp, in order to encourage labourers to stay on their estates. In the same way, some planters provided land to labourers for them to cultivate gardens. Rice and dholl and other Indian food items were imported. Rice was imported from Madagascar and Java, and increasingly from Bengal, when Indian immigration intensified. The quantity of rice imported and supplied to the workers depended sometimes on food prices abroad. The 1860s were particularly difficult when the price of rice shot up in India, because of poor harvests caused by floods. In the second half of the century, Indians could buy certain food items from the shops on the estates or from hawkers. There were complaints about the high prices of foods such as poultry, pigs, goat, fruits and vegetables.

Many Indians had other food

#### Reference 168 - 0.01% Coverage

such as spices, became available.

Food rations of indentured labourers

One of the regulations of

#### Reference 169 - 0.01% Coverage

salted fish, garnished with chutney.

Food rations were provided to indentured labourers in lieu of part of their wages, i.e. they received five rupees or ten shillings a month as wages and food and a clothing allowance, in addition to free housing on the estates and free medical attendance. The daily rations were as follows: two pounds of rice for one man, one and a half pounds for one woman, half a pound of dhol, two ounces each of salt, mustard, oil and tamarind. This was a ration high in carbohydrate, moderate in protein, low in fat, with low levels of B-vitamins. The ration (if provided in full and regularly) was slightly more than adequate for an adult's needs; however, it often had to be shared with other members of the family. Labourers who freely drank cane juice experienced a marked increase in calories as carbohydrate-rich sugar provided considerable energy (Boodhoo 2010, Mishra 2009).

century), were mostly semiTruth and

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Estate owners often provided either salted fish or dhol, but not both, saying that Indians preferred dhol to fish. However, this ration did not cover the needs of labourers with families, women and children too young to work. Those who became sick, while at work, received the whole ration, while those who did not attend work at all did not receive any ration. Rations were distributed on Saturdays during the 'entrecoupe' (non-harvest) season and on Sundays during the harvest season. Rations and wages were given to labourers who fell sick or had an accident at work. Those who were sick and absent from work did not receive any wages or rations. But working conditions varied widely from estate to estate.

Food rations remained a major issue throughout indenture as rations were often reduced or stopped altogether for those absent from work or sick, thus causing great difficulties to workers and their families. Labourers complained about food ration distribution as being irregular or insufficient (Boodhoo 2010).

The average height of 120

#### Reference 171 - 0.01% Coverage

when they arrived from India.

It should be noted that, in the 1870s/1880s, although it was compulsory for men (Indian labourers) to attend the estate hospital when ill, women and children often did not, either due to ignorance or cultural norms or poor hospital conditions (including food not being to their liking). Children were often not vaccinated. Women would not deliver in hospitals and gave birth in their huts with the assistance of traditional midwives

(dais). They attended hospitals only in case of complications. This resulted in high child and maternal mortality on the estates. But things gradually improved, when medical care and living conditions in estate hospitals improved.

In the 1920s, about a

#### Reference 172 - 0.01% Coverage

high sick and death rates.

In 1908, Dr. Ronald Ross submitted his comprehensive report on measures for the prevention and control of Malaria. In the summary of facts regarding the amount of Malaria, the report mentioned the abnormally high death rates in the population and the costs to government, loss of labour, labourers' loss of wages and losses to the general community.

Of particular interest was the

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cramps and check excessive evacuation.

Significant outbreaks of Malaria occurred in 1856 - 1859, 1862 and 1865. But the first serious epidemic struck the Island in 1867. It was a major calamity causing 40, 000 deaths in a population of 333, 000. Ronald Ross qualified the epidemic as the greatest disaster in Mauritian history. Thereafter, Malaria remained endemic in Mauritius until 1950's. The result was a serious source of wastage in terms of manpower and money, through deaths and reduction of population; loss of manual labour in plantations, factories, farms etc; sickness among labourers and officers, incapacitation and deaths among higher officials and soldiers.

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##### COMMISSION 8.END OF INDENTURE

Official immigrant registers listing arrivals show 1910 to be the last year when indentured immigrants arrived. However, Protector's Reports indicate that there arrivals as late as 1924 and 1925. Indentured labour Immigration in Mauritius dwindled rather than ended abruptly, and it is still not clear whether to consider as 1910 or 1925 as the end of immigration. 1910 was the official end but immigration actually ended in 1925. For memorial purposes, both years need to be mentioned.

There were multiple causes why

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the indentured workers and mistreatment.

The Swettenham Commission had felt that the importation of indentured immigrants to Mauritius from India should be permanently abolished. Consequently, in 1910, a Special Committee was appointed to investigate the social and economic conditions of indentured workers This Committee recommended that the indentured labour immigration cease.

While focus has been on those who stayed in Mauritius, many decided not to. These figures need to be compiled. What prompted those who stayed to do so and those who left to do so will be for future historians

to research. Available figures so far show that between 1906 and 1910, more than twice as many of those who arrived, left, either to go back to India or on to other colonies such as Natal, Guyana and Fiji. The movements of these last migrants show they were seasoned travellers, many of whom had been to other British colonies and were not 'new' migrants from India. This was the case for the period between 1923 and 1924 for some of the 1,395 labourers or so, most of whom decided to return to India.

Maharaj Singh's arrival in 1925

#### Reference 176 - 0.01% Coverage

their situation and make recommendations.

The first Rodriguan indentured labourers arrived in Réunion island on 10 August 1933. They had been brought there through the intervention of Mr. de la Giroday who had recruited them after mass outside the Church in Port Mathurin.

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no fixed hours of work.

Some were housed together with the cattle and horses and food rations were sparse: 3 lbs peas, 5 pintes rice, and 3 pints beans per week. Others were housed in structures dating from the period of Indian indentured labour immigration which had survived. According to Mr. Suffrin, these structures may possibly even date to the period of slavery although this has not been confirmed yet. Rodriguans were, however, the last occupiers of the 'Cabanons' as these structures are known today.

Many of them broke their

#### Reference 178 - 0.01% Coverage

are in this situation.

Conclusion

Is the Mauritian Sugar Industry culpable for its past actions, and how has it treated its workforce since the end of slavery and indenture? Comparisons of the Eastern Enquiry Commission of 1826 and of the 1875 Royal Commission and the situation in a post-slavery and post-indenture Mauritius need to be compared. The situation of descendants of slaves most of whom were forced to leave or left of their own accord, due to unacceptable working conditions is in contrast to descendants of the indentured labourers who stayed in Mauritius and continued to rely heavily on the Sugar Industry for a livelihood. We know little about the experiences of both these groups for the 20th century.

For descendants of indenture, for

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up to the present day.

The first Commission was in 1875, when a Royal Commission was convened by the Colonial Government after receiving several thousand petitions from Indian immigrants collected by Adolphe de Plevitz. The terms of the contract which they had signed were not being followed by their employers: basic wage, free



housing, medical assistance and rations. Instead, withholding of wages in order to try and re-indenture them, less than adequate medical attention, and reduction of rations in addition to being forced to carry a ticket in order to allow them to travel beyond the radius of the sugar estate where they were housed and worked. Although the 1875 Royal Commission confirmed the existence of abuses and made a number of recommendations to rectify this situation, many sugar estates did not meet their legal responsibilities, even after the end of the indentured labour period.

Two subsequent Commissions in the 20th century were held: the Hooper and Moody Commissions. How far the official enquiries by the British Colonial Authorities were impartial or conducted as thoroughly as they might have been has been questioned (Vol 3, Part I). Discrepancies exist. Similar discrepancies have been noted in the reports of Labour Departments since 1938. The 1938 Hooper

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Commission declared, for example, that housing conditions in sugar estate camps were satisfactory and that planters were doing all they could to comply with the necessary Labour Ordinances and the Department's regulations. The 1943 Moody Commission Report, written only a few years later, affirmed that sugar estate housing conditions in the North of the island left much to be desired, and that hospitals and medical dispensaries on sugar estates were often poorly equipped.

Did employers in the Mauritian Sugar Industry meet their legal responsibilities during indenture and since the end of indenture? It can be categorically stated that the Mauritian Sugar Industry does appear to be culpable for the reckless, and at times callous, manner in which it has treated its workforce. It can be accused of flouting its legal responsibilities under existing labour laws. However, this does not apply to all sugar estates in Mauritius. Some sugar estates went beyond what was required by the Law to provide decent conditions of living to its work force.

Small planters

The contribution of

#### Reference 181 - 0.01% Coverage

its work force.

Small planters

The contribution of the small planters to the Sugar Industry is a phenomenon since they did not lag behind but, instead, struggled till today; they recovered from a succession of hardships, such as natural calamities, pests and diseases, the reduction of sugar prices, the centralisation of sugar factories, the lack of a labour force, the low payment for canes, and many other problems. It is understood that various difficulties, faced by these small cane growers, have a direct impact on the economy of the country.

In 2006, the Mauritian Government

#### Reference 182 - 0.01% Coverage

cluster.

Métayers - A Forgotten Community

Métayage, also known as sharecropping, emerged in 19th-century Mauritius after the abolition of slavery and again after indenture. Métayers were ex-slaves and ex-indentured labourers who were provided with a plot of land on the sugar estate where they resided, with the clear agreement that they grew sugar cane for delivery to the estate factory. They did not pay any type of rent money for the estate land where they grew the sugar cane, "but they received less than the ruling market rate for the cane supplied, which was equivalent to payment of a concealed ground rent in kind."<sup>307</sup> Estate owners did not give land to anybody; it was usually as elect group whom they knew very well and had worked for them for several years.<sup>308</sup> By the mid-20th century, the majority of the métayers were monthly workers who had worked for many years on the same sugar estate and had resided for years in the estate camp and in the nearby villages. <sup>309</sup> From the 1920s onwards, however, the importance of the métayers declined. Today, they form a very small class of small sugarcane growers with their numbers diminishing each year.<sup>310</sup>

At that time, most land

#### Reference 183 - 0.01% Coverage

up by their own bootstraps."

As a result of further pushes to mechanize the Industry and retrench full-time workers, the Sugar Industry has been fully helped in this by Authorities who proposed, and pushed workers to accept, Voluntary Retirement Schemes (VRS). The result today is that many have been re-employed with job-contractors under less favourable terms than when they were permanent employees. Not only are they forced to sacrifice many of the benefits that they used to enjoy as full-time workers, but they are also being paid less than they were before and their bargaining power has been completely diminished. Thus, one is tempted to question just how beneficial VRS redundancy packages actually are for the average sugar estate worker in Mauritius. One is also tempted to compare the situation of labourers today with their indentured forbears.

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##### TRUTH AND JUSTICE COMMISSION Introduction

Among one of the conclusions of our review of the history of slavery and indenture is the fact that slavery and indenture, as they evolved in Mauritius, were in many ways continuations of an economic system based on the exploitation of unpaid or cheap, plentiful and docile or coercible labour. The Mauritian experience of slavery and indenture contrasts singularly with the Atlantic world in several respects.

There was continuity in the flow of such labour for several reasons: Mauritius was geographically close to sources of cheap labour: Madagascar and India, both countries had traditionally supplied labour. Thus, despite the abolition of slavery, Africa and Madagascar was again tapped for sources of contractual labour and the experience of this new contractual labour, the Liberated Africans, in many ways did not differ from their fellow Africans and Malagasies who had come as slaves almost a century before.

Secondly, the continuity arose from the fact that capital to finance economic activities was generated locally. This was not the case in the Caribbean, with a large presence of absentee labour, while the USA was similar to Mauritius. Of course, generous grants from Colonial Governments were forthcoming as well as relaxations in the duties and taxes relating to commodities and goods being exported and imported into the country. The original owners of the large tracts of land grants of the 18th century merged and intermarried with new arrivals from France during the 18th century and 19th centuries, and a gradual consolidation of ownership of land occurred during various phases of the economic development of the island. The trading and merchant community of the 18th century merged with rural owners of land over the course of the latter

quarter of the 18th century and reinvented itself into a powerful force during the period of sugar expansion in the 19th century, owning land, influencing, if not controlling, political decisions and being the driving force to economic and social activities occurring on the island for most of the 19th century. When viewed with hindsight and from a distance, it is indeed remarkable how such a tiny community, this 'most refractory little community', as one British official described it, was able to control the destiny of so many people and even intimidate and dictate to the British Government represented by the Governor and a few British administrators.

Thirdly, there has been continuity in the laws, treaties and conventions adopted by the country which have served these economic interests so well. From the Code Noir in 1723, established to categorise one group of human beings as 'goods', in order for the owner of these goods to be able to obtain insurance money and compensation in case of loss of his 'goods', to the Capitulation Treaty of 1810 which guaranteed the protection of these 'goods', passing through the Civil Code of Decaen which once more not only reaffirmed that ownership of property would remain in the hands of this group, but, this time, clearly introducing a racial component in the Law concerning ownership of property. These amendments to the French Civil Code are described a 'unique' in French Law and reserved only for French colonies, in order to maintain the control of French inhabitants over property in the colonies. And what of the Compensation money, over £2.1 million to compensate owners for 'loss of property' but not the slaves for having sacrificed life, labour and freedom for Mauritius? Abolition of slavery, ironically, financially benefitted the owners of slaves rather than the slaves.

It is therefore ownership and control of property, above all matters, that dominated the laws, the economy, and ideology of the island for most of the 18th, 19th and 20th centuries. Human beings, used as labour, continued to be seen as 'property' over which only the former owners should have control. Discouraging any independent economic activity became part of the tradition which many civil servants were only too happy to assist in.

Similarly, property ownership had to

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and political structure of Mauritius.

This ideology of control and ownership of property by a tiny elite persists to this day and continues to pervade all our institutions, private and public though in not as visible form as it was in the past. How far is the economic vision established by Government, the vision of the people of Mauritius, most of whom are descendants of slaves and indentured labourers or how far is it the vision of the powerful economic interests of a few? It is perhaps true that ethnicity is no longer the issue as our 'rainbow nation', as most ethnic and religious groups are fully represented in this elite, although some may be more visible than others due to their phenotype.

Despite attempts to 'democratise' society

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from the Caribbean were equalised.

The understanding of the consequences for contemporary Mauritius of these key events would be largely insufficient unless a holistic view of history is adopted. The Commission finds that there is a continuous evolution of economic exploitation, social and cultural oppression. This has led to contradictions between British Imperialism, the plantocracy of both French and British origin on the one hand and, on the other hand, labour (the enslaved, the indentured and their descendants). The wealth created throughout Mauritian

history is the result of the impressive contribution of labour on the one hand and the capital and know-how of colonists and British Imperialism on the other hand. However most of this wealth has been appropriated by colonists and the British Imperial and Colonial States, whilst large proportion of the laboring classes faced unemployment and poverty during the Colonial era ending in 1968. The intermediate social and economic classes such as traders, merchants, middlemen and medium planters were able to retrieve some of the wealth. There have been thus two complementary historical processes: development and substantial material advancement for the few and underdevelopment for the many constituting the labouring classes.

The Sugar Industry in 21st

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five years for various reasons.

Key features of the MAAS included centralization, decrease of the labour force and creation of a so-called "flexible" workforce and the mechanisation of field operations. Whilst these measures were meant to ensure the economic and financial viability of the sugar industry, the social costs, especially for the labouring classes descended from slavery and indenture have been enormous.

From slavery and indenture to

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to VRS (Voluntary Retirement Scheme)

The implementation of the measures prescribed by MAAS has led to a large reduction of the labour force of the Sugar Industry. A compensatory package for the loss of employment was agreed between the Government and the Sugar Industry. This led to the establishment of the Voluntary Retirement Scheme (VRS), as part of MAAS.

The package offered was applicable

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of his/her retirement pension.

One of the immediate consequences of the labour retrenchment policy is that most of the retired labourers have gone back to work for the sugar estates as casual labourers, doing the same job they did as permanent employees. They do not have the fringe benefits that they used to as permanent workers, and have a lower rate of pay. Descendants of indentured labourers fought in the 1930s and 1940s for permanent employment and benefits in the sugar industry. Today the children of these descendants find themselves in a similar situation as their forbears in the 19th century.

Section 20 of the

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forbears in the 19th century.

Section 20 of the Employment Rights Act clearly stipulates that there must be equal remuneration for work of equal value and thus this Section 20 was not being respected in the case of those new casual labourers having opted for VRS. It appears an agreement has been reached to respect the Employment Rights Act. A second aspect of VRS, is that younger labourers and some aged even below 50 years (40 or 45 years) are finding it difficult to cope with the cost of living, especially when they have to cater for their children. From a sample survey conducted early in 2011 among 283 labourers who participated in the VRS II scheme, 70.3% of the labourers are working, with 78.3% among the women and 68.2% among the men. It is to be noted that the number of men and women labourers in the sample is respectively 183 and 60 given a ratio of 3:1 as per the population of labourers having opted for VRS II. Further, among those working and the 150 men and 45 women who responded to the required question, 74% of the men and 84.4% of the women are on contract with the sugar estates or with the job contractors of sugar estates, thus going back to a system that existed under indenture.

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The prevailing income among the respondents is very low indeed. About 62% of them earn between Rs 1,000 to Rs 6000; and women labourers are worse off with 68% of them being in that income bracket.

A 're-skilling programme' had also been planned for the labourers. From the sample, 72% of men and 82% of women either had not benefitted from any training whatsoever or did not attend the training session. Among those who did attend, only 17% found it beneficial. It is obvious that the training provided did not satisfy the objective of re-skilling as defined in MAAS.

It was also noted that among the retired labourers, the women face a particularly difficult situation. The reduced pension, referred to earlier on, impacts more severely on them for three reasons. Firstly, their basic salary is lower than that of men on account of wage packages and remuneration orders prevailing in the Sugar Industry. Secondly, they retire at a younger age than the men, at 45 or 50 years and the actuarial factors used to compute retirement pension are lower. Thirdly, they may be widows or are the only bread earner in cases where the husband is unable to work.

To provide support to women

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them fully by the authorities.

While the labourers may have obtained a deal which, most probably, would not be offered in other sectors of the economy, nevertheless, in the long run, with the massive labour redundancy, the labouring classes are on the losing side.

Long term benefits for the

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benefits for the Sugar Industry

As far as the Sugar Estates are concerned, it appears that VRS II is not financially attractive in the short term. But in the medium and long run, the labour costs will be reduced considerably and, at the same time, the estates will be able to mechanise field operations given the considerably reduced labour force. Over time,

it is expected that the number of seasonal (i.e., casual) employees will be reduced. Moreover, the cost of the VRS forms part of the accompanying EU measures and is financed by both the EU and the sugar cane producers/private sector.

#### 1.2 The Cheap Labour Policy of the Post-Independence Period The Export Processing Zone (EPZ)

In 1970, the Export Processing Zone (EPZ) was established in Mauritius and the Export Processing Zone Act was passed. The Act provided major incentives to manufacturers catering for foreign markets. Moreover, firms within the EPZs equally benefited from the availability of cheap labour which came from unemployed workers and women who were outside the labour force at that time.<sup>311</sup> In his paper, Ali Zafar elaborated as follows

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earnings into the firm's expansion."

History has repeated itself. About one hundred and thirty years ago, the plantocracy recruited indentured labourers from a vast reservoir of cheap labour found in British India. As a result, the plantocracy accumulated capital which was partly siphoned off to financiers/ investors abroad (Britain and France mainly) and partly reinvested in modernising the sugar factories. The new dimension, this time, lies in the fact that the reservoir of cheap labour came from within Mauritius: women and the unemployed. Unemployment and poverty were the direct consequences of policies of free trade by British Imperial Government and of cheap labour policy of the Colonial Government and the plantocracy.

For this process of capital accumulation to be successful, there was a need to control the labour force and, even to coerce it into accepting special working conditions applicable in the EPZ and not applicable in other sectors of the economy. Certain key features of the EPZ Act of 1970 are highlighted to illustrate the point. Firstly, the notorious policy of 'double-cut' for absenteeism which was prevalent in the Sugar Industry during the period of indentured labour was re-introduced in the EPZ Act. It stipulated:

"An employee who without his

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that time in the EPZ:

"Firms within the EPZ were subject to general labour laws (including minimum wages) but were free to fire workers, to demand compulsory overtime work, and to penalise workers heavily for absenteeism."<sup>314</sup>

There is no doubt that

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growth rate of the EPZ's value added being close to 30% annually between 1983 and 1988. Moreover, employment fluctuates over the years. But the major issue is that this was done in a manner similar to the growth of the Sugar Industry in the 19th and 20th centuries whereby the workers' share in the wealth created was minimal and their working conditions were such that it was to a certain extent like coercible labour.

The Export Oriented Enterprises (as the EPZ is to be known as from 2006) employed, by March 2001, 93,218 workers of whom 30,783 and 62,435 were respectively males and females, giving a ratio of nearly 1:2 in

favour of female workers. With the restructuring of the sector, there were many redundancies so that by June 2009, there were 58,066 workers of whom 24,451 and 33,615 were respectively males and females, giving a ratio of 1:14 or 5:7 in favour of female workers. Of the 35,000 workers made redundant, about 29,000 were women and about 6,000 were men. Thus women are the most vulnerable group in the labour force in that sector.

In the process of restructuring, wages went up compared to the 1980s; but nevertheless, in the textile sector, monthly wages in March 2002 went down from Rs. 7,039 to Rs. 6,236 in March 2008 in real terms (using 2001 as base year). The wages reached its March 2002 level in March 2009. As wages go up, the share of females in the labour force in this sector goes down. The obvious question is: "What happened to the 35,000 workers made redundant and, in particular, to the 29,000 women?"

#### Migrant Labour

There are essentially three sets of problems faced by migrant labour. Firstly, the dormitories provided to the migrant workers are not up to standard and the established criteria are not respected. Secondly, in certain cases, working conditions are not respected. Thirdly, very often migrant workers have two contracts; one which they get in their country of origin which usually provides very favourable conditions (e.g., wages); then another contract, the real one, which they obtain in Mauritius.

Whilst it may be rather difficult for the State to intervene in the third problem mentioned above, it is indeed disturbing that Mauritius, having had the experience of both the labour of enslaved people and indentured labour, should allow such conditions to prevail. Migrant workers represent an asset to employers because of their understandable 'flexibility' to work many hours in a given week, as opposed to Mauritian workers.

It is the duty of

#### Reference 197 - 0.01% Coverage

scale, in the 21st century.

#### 1.3 The New Labour System and Labour Struggles 1.3.1

##### Labour Struggles

In Chapter 1 it was stated that the driving force for some improvement in the living conditions and wages of the labouring classes was the struggle of the same labouring classes. From the 1840s to 1860s, there were various legislations which created harsh working and general living conditions for the sugar industry labourers. It was only through their struggles in particular, through their petition of 1871 with the help of Adolphe de Plevitz, that there are some improvements in their working conditions, following the setting up of a Royal Commission. Similarly, in the 1930s, the labourers' wages in the sugar industry were drastically reduced and they faced unemployment and poverty. Their protests and strikes in 1937, of dockers and other workers in 1938, and of the sugar industry labourers in 1943 led to two Commissions of Enquiry being set up to look into the various problems and issues and to make recommendations.

The Colonial State was also

#### Reference 198 - 0.01% Coverage

the dockers' strike of 1938.

In the years following independence, Mauritius inherited social and economic structures which were favourable to the plantocracy and to the emerging elite at the expense of the labouring classes. Still trapped by a monocrop economy, Mauritius faced a somewhat high level of unemployment and of poverty. Under these conditions, the working classes reacted as in the 1930s and the 1940s in their quest for decent wages

and decent working conditions; there was equally a political party, the Mouvement Militant Mauricien which contributed significantly in that quest of the labouring classes.

As from 1970 and 1971

#### Reference 199 - 0.01% Coverage

the Export Processing Zone (EPZ).

##### 1.3.2 Labour Legislation and Labour System

The Labour Legislation and Labour System prevailing in the 1970s was that set up during the colonial period. During the 1950s and the 1960s, there were some positive developments in the enactment of some labour legislation. In particular, there were firstly the Trade Dispute Ordinance (GN 36) of 1954 which provided for the unrestricted right to strike, except for employees in essential services. Then, secondly, the Trade Union Ordinance of 1965 provided for the right to declare a strike if there is a deadlock at the level of negotiations/conciliation.

The enactment of the Industrial Relations Act of 1974 unfortunately turned the clock backwards in terms of certain basic rights of workers, especially the right to strike, when compared to the legislations of 1954 and 1965. Two examples would suffice to illustrate the point. Section 92 rendered the right to strike ineffective, since the Trade Union concerned had to give a notice of 21 days to the Minister of Labour who, in turn, could refer the case to the Permanent Arbitration Tribunal. The latter could take sometimes two years to sort out the matter. Further, Section 102

provided for severe penal measures

#### Reference 200 - 0.01% Coverage

the furtherance of his rights.”

The Select Committee made recommendations for a new approach to the industrial relations system and proposed a new legislation to be called ‘Trade Unions and Labour Relations Act’. However, there was no follow up to the Report of the Select Committee. It was only in 2008 that the Industrial Relations Act would no longer be on the Statutes Book, and it was replaced by the Employment Relations Act of 2008.

It is appropriate to note that, in 1975, the Labour Act was passed and dealt with essentially the rights of the labouring classes. In particular, the Termination of Contracts of Service Board (TCSB) was established within the framework of the Labour Act. That board had the power to enquire into any ‘economic’ redundancy and make recommendations. It provided for a safeguard for the workers against arbitrary redundancy; but the most common criticism against the TCSB is that it may take a long time before making a recommendation. The Labour Act was replaced by the Employment Rights Act in 2008 and the TCSB had been done away with altogether.

The Employment Relations Act has

#### Reference 201 - 0.01% Coverage

delay fixed by the Minister.”

This right of instantaneous strike, as defined by Section 76, is obviously most appropriate, especially in the light of recent labour relations crisis in the sector of Business Process Outsourcing.

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#### Reference 202 - 0.01% Coverage

consequence of that decision-reversal.

Another major issue facing the labouring classes is the retirement gratuity, whenever there is a factory closure. With respect to export-oriented enterprises, factory closure tends to be a major issue for the labouring classes. A worker may find himself/herself having worked for five factories in his/her working-life. Each time, the factory closes down; the worker loses his/her retirement gratuity. The latter is paid only at the time of retirement. But then, at that time, the worker might have worked for a short time at the factory, say five years, and then obtains retirement gratuity only for these five years. The State needs to look into the matter.

#### 1.4 Sugar Cane Land

#### Reference 203 - 0.01% Coverage

first phase – Pre-independence period

The development of the cooperative movement is of major importance in so far that it represented a genuine attempt to empower the labouring classes. In spite of its failures, that experience is of relevance for the future; moreover, there have been successes as well.

Following the recommendations of the

#### Reference 204 - 0.01% Coverage

revival of the Cooperative Movement.

The value and belief systems of the old society have survived in the new society to such an extent among the new elite, and the new ruling class that such a potential tool for the empowerment of the labouring classes, as the cooperative movement, has been stifled and used instead to prevent the holistic development of these same labouring classes.

#### 1.7 Concluding Remarks

The

#### Reference 205 - 0.01% Coverage

classes.

#### 1.7 Concluding Remarks

The economic and social structure of Mauritian society has not fundamentally changed from the point of view of labouring classes: although there is a longer multi-ethnic bourgeoisie, and a larger multi-ethnic middle class, the economic and social structures are such that wealth and, more generally, the ownership of means of production (land, banks, trade/commerce, factories, etc.) has been restricted to a rather small minority involving both the old and new bourgeoisie.

The social stratification, which has

#### Reference 206 - 0.01% Coverage

should have, after having worked

for free all their lives? Why was he not given a compensation from European governments for they were responsible for legalising and tolerating an unjust, repressive system of labour? The answer to this is also the answer to understanding why up to today, many descendants of ex-slaves and persons with an African phenotype in Mauritius continue to face unnecessary hardships and lead stressful lives. We need to focus attention on a few key developments occurring immediately after the abolition of slavery:

The role of the British

#### Reference 207 - 0.01% Coverage

to give them real freedom.

Local Colonial Officials, including the Governor and sugar planters, had no wish either to have ex-slaves free to roam around in Mauritius on to market their labour, and laws were enacted to severely curb the mobility of ex-slaves and any children they may have later. A Census was advocated only to obtain data on the working population, with a view to transforming the whole island into a labour force for the sugar plantations. This was the view of Lord Glenelg who disallowed two orders in Council, Ordinance 16, for example, in which the planters sought to define a 'vagabond' as simply someone with 'with no employment'. Thus, anyone found not working could be arrested and imprisoned.

The conclusion of the British

#### Reference 208 - 0.01% Coverage

measures being proposed for Mauritius

"[...] if passed into a law [...] [would] subject the whole labouring population of the island and especially persons who might be introduced there from the eastward, to restraints and penalties of so extremely onerous a nature as nearly to revive, under a new name, the former servile condition of the great body of people."<sup>326</sup>

It was no wonder that

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over generations of their families.

Slave-owners, with substantial numbers of slaves, received hefty compensation, as agricultural labourers and skilled slaves were valued highly. As most of these owned slaves worked in the sugar estates, these fetched the highest compensation:

Overseers, Commandeurs, skilled slaves fetched £142 and £137 each while an agricultural labourer, £93 each (listed as praedial slaves). Slaves that were not attached to any particular plantation, fetched roughly the same amount. Domestic slaves, who were also crucial to the life of the estate, fetched £119 per head domestic slaves while junior domestic slaves fetched £63. Owners even received compensation for the old and sick slaves, as well as children, £29 was paid for a child, totaling some £88, 132, while the old and sick, numbering some 2,302, fetched £25,752. The total number of slaves for which compensation was paid amounted to 66, 517, including the dependencies. (MNA:BIB 1881)

Not brought into the equation

#### Reference 210 - 0.01% Coverage

one human being by another).

3. It felt that, as it was the State which had introduced slavery, compensation was payable to those who suffered, as much as to those who enjoyed the labour freely and who had profited. Thus, the State had to pay the country, for the future well-being of the owner and the slave.

Victor Schoelcher had also recognised

#### Reference 211 - 0.01% Coverage

of the Commission.

The Apprentices

The apprenticeship system has been researched in some depth in Mauritian Historiography, as well as the opposition to it coming from abolitionists who saw it as not being much different from slavery. The complicity of the local Government in creating a system that was no different from slavery and ensured that labour stayed on estates until contract labour system was established, while owners enjoyed the compensation money and invested in their sugar estates. Apprentices were quick to see they had been duped of their freedom. They expressed this disapproval of this 'new system of slavery' in several forms. Some marooned and were hunted in exactly the same manner as they had been under slavery. When caught they were flogged in the same manner. Others chose to withdraw from plantation labour (but not from agriculture), knowing full well that this is what would strike at the heart of plantation's operation. Others still bought their freedom from apprenticeship, just as, when slaves, they had bought their manumission. They were still advertised as slaves for hire, even though slavery had been abolished. While the stereotype of women is that they were downtrodden people, the number of applications for freedom from apprenticeship are very revealing. These women's history must not be forgotten and deserves further study. Moreover, those who had wanted

#### Reference 212 - 0.01% Coverage

had been born in India.

Where were the ex-apprentices who agreed to be listed as such in 1846? What were their occupations? While there have been several studies on this, it is worth refreshing our memories as to occupations engaged in by ex-apprentices. For those who had been skilled under slavery, these same occupations were practised. The most common were among the boot-and shoe-makers, blacksmiths, sack-and mat-making, masons, carpenters and brick-layers, tombstone cutters. In transport, a large number were employed as carters, grooms and boatmen. A large number were not skilled and uneducated and untrained and were employed, consequently, as non-agricultural labourers and workers. Few worked on sugar estates, but did work in other sectors of agriculture.

There was some significant regional

#### Reference 213 - 0.01% Coverage

deserves the attention of scholars.

As has been stated before, it is important to grasp the mindset of the slave population before the abolition of slavery in order to understand their actions afterwards, given the paucity of information as to their

whereabouts, after slavery was abolished. Only, then, can we understand the ex-slave population's movements after slavery: what did they think of 'freedom'? Was it individual liberty? Was it their intention to regroup somewhere? Was it education, and what about employment? Was it their wish to be near the former owners of the sugar plantations? Did women want to continue to labour on sugar estates or in the kitchen of the owners? This is all the more necessary as there have been numerous sweeping statements made in public discourse, concerning their movements which continue to impact on public perceptions and discourse. Some of these sweeping statements and perceptions are:

□ Ex-Slaves did not want

#### Reference 214 - 0.01% Coverage

##### Relationship with Indian indentured immigrants

There was also a conflictual relationship between newly-arrived immigrants and ex-apprentices as Indians were paid lower than apprentices. Yet, this is not in evidence in the Magistrates reports, nor when considering the fact the ex-apprentices may not have wanted to remain as agricultural labourers on plantations. It was true, however, that cheaper wages prevented any attempt by ex-apprentices to wage bargaining.

What has not been examined is the situation on each estate in order to ascertain the labour needs of each. At the time of emancipation, the effective labour force amounted to only some 25,000, out of the population of 61,022 slaves. Some estates had been desperately short of labour even before abolition, as they had either expanded or had an ageing population or with numerous families and not enough able-bodied men. Only on some estates, did ex-slaves wish to work, as has been pointed out.

Thus, the potential for conflictual

#### Reference 215 - 0.01% Coverage

for employment on sugar estates.

Furthermore, it must be noted that a small number of ex-apprentices were employed on sugar estates, not as labourers, but in higher positions. Among clerks, for example, in Pamplemousses, out of a total estate population of 196 clerks in South Pamplemousses, 38 were ex-apprentices; in Flacq, out of a population of 127 clerks, 25 were ex-apprentices; in Grand Port, out of 103 clerks, 24 were ex-apprentices; in Savane out of 100 clerks, 41 were ex-apprentices, while in Plaines Wilhems, out of 161 clerks, 40 were ex-apprentices.

By the beginning of the

#### Reference 216 - 0.01% Coverage

communities". (Poverty in Mauritius, 1998)

Effectively, centralisation and mechanisation in the Sugar Industry, disappearance of and extractors, decrease of demands on small artisans or employees in the construction sector through the emergence of bigger firms/groups offering the same services, and less recruitment in the EPZ sectors are indicators that the labour market is offering less opportunities to the Creole communities.

Furthermore, the risks of downward

#### Reference 217 - 0.01% Coverage

connected with discriminatory practices/measures.

Thus, explicit or unconscious discrimination on the basis of origins starts in the selection of CVs through criteria of family names and colour and results in bias in interviews. Similarly, social discrimination on the basis of residential areas involving stereotypes, concerning bons quartiers and "difficult areas" prevails; people locate in "difficult areas" are stigmatised and negative evaluation tends to operate in their recruitment. Hence, they develop the negative attitudes towards education and work; the value of education, already low in the social environment, decreases rapidly since pas sir gagne travail. On the other hand, parents who have made the necessary efforts and sacrifices and who are now faced with the changing conditions of entrance on the labour market, feel cheated. With the rising costs of living, such changes give rise to frustration and to a sense of helplessness. There develops a culture of the immediate.

This culture of the immediate

#### Reference 218 - 0.01% Coverage

are expressed in different ways:

Single-parent households and isolation of the males. And for the males, matters are made more difficult by exclusion from the new mainstream Capitalist System and the major segments of the labour market following the abolition of slavery and the arrival of indentured labour.

Conclusions, challenges and Recommendations

In

#### Reference 219 - 0.01% Coverage

to British and other colonies.

For those who stayed in Mauritius and who are the focus of this Commission's study, general histories have been written which have become stereotypical: labourer becomes sirdar or recruiter, saves money and purchases a plot of land. Children become educated, are employed as civil servants or professionals and are considered a success. This picture of the supposed typical 'experience' of the trajectory of the indentured labourer is reproduced regularly by those of nonindentured ancestry, by those who create the myths of the success story etc.

However, it ignores the other

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In addition to a number of other drawbacks, such as the lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet, despite noting that these living conditions appealed primarily to the poor who, according to Benedict, were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movements between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a

generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>346</sup> who stated it was only poor people, who did not own property, who went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>347</sup>

Although the feeling is that

#### Reference 221 - 0.03% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

Living conditions in villages were also superior to those in estate camps because they were less isolated and enjoyed access to social services and recreational facilities funded and maintained by Government and Village Councils. Some of these amenities included public fountains, medical dispensaries, Government schools, agricultural services, public transport, electricity, police and fire protection, shops, cooperative credit societies for small planters, post offices, social welfare centres, football fields, cinemas, and religious organisations and edifices. But as Benedict (1961:56) points out, even in spite of these advantages, the economic fortunes of most villagers in Mauritius were still principally derived from labouring in cane fields. Most of the elderly sugar estate workers interviewed began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired. This had two important ramifications. Firstly, it meant that during the inter-crop season, when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting brèdes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>352</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase what would satisfy almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.

The susceptibility of labourers to the seasonal cycles of the sugar estates had another important ramification. It made them reliant on credit to tie them over during the inter-crop season (Benedict 1958; cf. Balogh 1963:60). Some of the most pertinent examples of these credit relations include Sino-Mauritian shopkeepers extending credit to their clientele and the loans that sirdars and jobcontractors made to labourers to bind them more effectively to them. Benedict states he found no evidence of job-contractors charging high interest rates on these loans. But he (Benedict 1958:217) also points out that "a man who accepts a loan from a job contractor would feel obliged to work for him." He adds that job-contractors recovered their money by making deductions from the wages of labourers during the crop season, and if the oral testimony of the elderly sugar estate workers quoted earlier is anything to go by, this may have offered another opportunity to make further deductions from the wages of labourers at usurious rates. According to Benedict (1958:217), sirdars employed on estates had "much the same relations of borrowing and lending" with monthly workers, and that this arrangement ensured sirdars had an interest in employing labourers to whom they loaned money. Thus, some villagers had better housing and enjoyed access to Government-funded social services and recreational facilities.

However, how far sugar estate workers themselves benefited from the post-war boom in sugar production because, as the Balogh Commission (1963:30-31, 53) stressed, real wages rose very little between 1939-1957 and this was one of the main complaints aired by sugar estate workers who testified before the Commissioners. What is more, the Balogh Commission (1963:61, 128-130) raised doubts as to whether funds allocated to help sugar estate workers to build homes, with interest free loans by the Sugar Industry Labour

Welfare Fund, reached its designated target. 353 "The picture is [...] that of a poorly-paid, undernourished, sickly population, capable of only such limited output of work that an increase of wages offers little promise of improved performance." Only two years later, the Director of Labour was issuing further warnings about the sickly state of Mauritian sugar estate workers in the 1945 Annual Report of the Labour Department:

When a group of labourers in the sugar industry is seen, when their appearance is noted, their bare feet, their ragged clothes, their eye-balls yellow with fever, their small stature, their emaciated limbs with outstanding bony joints, their shins often scaly as a result of malnutrition ... it is possible to ask whether the higher cost is paid by the purchaser of the sugar or by the producer of it (ARLD 1945:8-9).

It was only with Major Orde Browne's 1943 report on labour conditions in Mauritius, that the subject of the malnutrition of the Sugar Industry's workforce began to receive more sustained attention. According to Major Orde Browne, the diet of Mauritian sugar estate workers was noticeably deficient in protein and showed a marked dependence on rice and carbohydrates. The budget of the average labourer working in the Sugar Industry was the small proportion of their

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#### Reference 222 - 0.01% Coverage

eat meat on special occasions

Andrew Balfour's report on medical and sanitation matters in Mauritius was printed in 1921; he read a report written only one year earlier by a medical expert working for the International Health Board, a philanthropic organisation funded by the Rockefeller Foundation, named J. F. Kendrick. Kendrick discovered that more than two-thirds of the colony's population was suffering from ankylostomiasis, or hookworm disease, as it is more commonly known as, and that the highest rates of infections were recorded amongst the labouring classes in the colony's rural areas (cited in Balfour 1921:18). Kendrick urged the Colonial Authorities in Mauritius to cooperate with the International Health Board in trying to eradicate the disease, and it appears that the British did not hesitate in taking up the generous offer of financial support from the Rockefeller Foundation, after being actively encouraged to do so by Balfour.

Hookworm disease seems to have

#### Reference 223 - 0.01% Coverage

account of the industry.<sup>357</sup>

The newly-appointed Director of Labour, Mr. R.C. Wilkinson, who assumed his duties in 1944, claimed that even if provided with suitable sanitary conveniences, labourers would prefer to use "neighbouring cane fields" (ARLD 1944:4). But as Mr. James Stirling, who replaced Wilkinson as Labour Commissioner in 1951, pointed out in the ARLD of 1954, after sugar estates had built more detached concrete dwellings for families with kitchens, bathrooms and toilets, labourers took a keen interest in their proper maintenance and were making effective use of the bathrooms and camp latrines (ARLD 1954:11). And as alluded to earlier, Benedict also drew attention to the poor conditions of latrines in estate camps in his ethnography, the fieldwork for which, it is important to bear in mind, was conducted at the end of the 1950s, showing that not much had improved in that time.<sup>358</sup>

Working Conditions of Mauritian Sugar

#### Reference 224 - 0.01% Coverage

#### Sugar Estate Workers after Indenture

The working conditions of sugar estate workers in Mauritius have changed quite considerably since the end of the indentured labour period. The construction of large factories and, in particular, the mechanization of tasks that used to be done by hand has radically transformed the industry, leading to massive reductions in the size of the workforce.

However, there has been continuity

#### Reference 225 - 0.01% Coverage

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written 60 years later in 1937 (Hooper 1937:113-118), even the tools that labourers used do not appear to have changed very much. Tools, such as the pioche (hoe), pince (crowbar), and gratte (scraper), were still being used in the first half of the twentieth century, to carry out tasks such as removing rocks and weeds that were being performed in the nineteenth century.

Neither Commission mention that labourers were also working in the cane fields bare-footed and without any form of protective clothing

The tasks may be divided

#### Reference 226 - 0.01% Coverage

performed as one operation.

'Épierrage'

The next task is épierrage or clearing the land of stones and rocks. This is occasional work and does not always form part of the normal work of a labourer on a sugar estate. This is followed by pincage, which consists of removing the stones from the holes with a pince or crowbar.

Planting cane tops

The land

#### Reference 227 - 0.01% Coverage

or crowbar.

Planting cane tops

The land having been prepared for planting, the next operation is that of putting the cane tops into the soil. As soon as the labourer is in possession of the tops he makes them ready for planting, that is to say, he pulls off all superfluous leaves from the top and puts it in the hole, arranging it in such a manner that it sprouts easily; at the same time, he puts in manure and then covers the tops with earth.

Weeding

The next operation to

#### Reference 228 - 0.01% Coverage

virgin canes.

Cutting the cane



The next task is the first task of the crop season, which consists of cutting the cane, which is the principal task of all. It is generally admitted that the cutting of virgin canes is a harder task than the cutting of ratoon canes and higher rates are correspondingly paid for cutting virgin than for ratoon canes. It is estimated that a strong labourer can cut three tons per day, though this would

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### VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 7. WOMEN LABOURERS

The treatment of gender differences

#### Reference 230 - 0.01% Coverage

down too (Sooben 2009:17)."

In Mauritius, since the early days of slavery, the Grande Bande and the Petite Bande was the way to organise workers into teams who are responsible for performing specific tasks. These groups are still used in the Mauritian Sugar Industry today, the main criterion used is still to distinguish the tasks that each group should perform based on the physical strength required to perform certain tasks. This criterion has been and is used as further justification to determine the wage levels of workers in the two groups, with the obvious ramification that labourers who work in the Grande Bande are paid more than those working in the Petite Bande (or "granban" and "tiban" in the Creole language).

Yet while it does not appear that women were exempt from doing physically demanding tasks such as cutting and loading cane for instance, tasks often described by both male and female informants, as being the province of men who worked in the Grande Bande and which they accordingly rationalized was the reason men were paid more than women. The ALDR of 1945 indicates that women who worked in the Grande Bande were being paid less for doing tasks that appear to be little different to that which men who worked in the Petite Bande performed (ARLD 1945:24-26). According to the ARLD of 1945 men who work in the Grande Bande are "required to perform any sort of unskilled or semi-skilled labour on a sugar estate", while men who work in the Petite Bande are "required to perform the same sort of labour [...] but with a reduced task and not bound to do holing". This sounds like the same type of tasks that women who worked in the Grande Bande were expected to perform, and indeed if we compare the ARLD of 1956, which reproduces a copy of a collective agreement reached between the Mauritius Amalgamated Labourer's Association and the Mauritius Sugar Producer's Association, it states that women working in this group were not expected to cut or load cane.

Women, Class, I, Grande Bande.-Labourers capable of performing and required to perform any task appertaining to unskilled labour, but not bound to do holing, uprooting, forking, crowbar work, loading, cutting, heaving cleaning, heavy buttage, [and] manuring involving the carrying of a load of more than 18 kilos of manure per basket" (ARLD 1956:21-22).

Thus, it is entirely conceivable

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abide by the Collective Agreement.

The Labour Laws that have been enacted over the course of the twentieth century have also affected female sugar estate workers. Until 1973, no law delineated what types of tasks female labourers were expected to perform.<sup>359</sup> Although the Minimum Wage Ordinance of 1934 stipulated the rates of pay and types of tasks to be done by both male and female labourers, the amendment the Colonial Government made to the Ordinance in 1944 was principally aimed at ensuring that sugar estates complied with the law and paid labourers the wages they were entitled to, as one of the main conclusions to stem from the 1943 Moody Commission Report was that the failure of the Industry to implement minimum wage rates was one of the chief causes of the 1943 strike.

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This neglect of the rights of female labourers, which probably goes some way towards explaining why they were paid less for doing some of the same types of tasks as men, may also reflect their marginal position in the Mauritian Sugar Industry since the days of indenture. Few women were 'indentured' in the 19th century but with the end of indenture, the rate of women's participation rates in the Sugar Industry's workforce gradually increased. The Great Depression, widowed women, poverty are some of the reasons cited but this needs to be more fully researched. Surra epidemics may also have been responsible as many women had previously stayed home to rear cattle.

Whatever be the reasons, by the end of the Second World War, female labourers accounted for almost half of the Mauritian Sugar Industry's workforce, or a maximum of 18,126 female labourers at the height of the crop season in 1945 (ARLD 1945:46). It is important to note, however, that more female labourers tended to be employed during the inter-crop period whereas men made up the bulk of field labourers during both the inter-crop and crop periods. The same logic used to determine how much men and women should be paid for the types of tasks which they performed, also seems to account for the Industry's preference to employ more women to do lighter tasks between crops and for men to do heavier tasks such as harvesting cane when the crop has to be harvested.

The most poignant testimonies have been furnished by the elderly female sugar estate workers. For instance, one informant<sup>360</sup> complained that she would hurt herself when she had to remove straw from the sugarcane just prior to it being cut by male labourers (the process described as *dépaillage* in the Hooper Commission's summary above). She also says that she used to wear *linz lakaz*, that is, her everyday clothes to work, and that workers were not provided with uniforms, boots, gloves and masks until after Independence. Similarly, in Pamela Sooben's (2009: 16-17) undergraduate dissertation, the elderly female sugar estate workers she interviewed complained of having to remove straw from sugarcane. In order to protect themselves, they wore long socks over their hands, but that still did not prevent the straw from piercing their old socks and drawing blood from their hands: "When the sirdar asked us to remove 'divet' from sugarcane, especially 'canne coulou', we would run away because these 'divet' pierced our old socks, hands and fingers. We also used to get rashes". These women also complained of finding it difficult to cook for themselves after a day's work because of the injuries they sustained to their hands, while working in the cane fields without gloves (Sooben 2009:8).

After Independence, laws were finally

#### Reference 233 - 0.01% Coverage

plantation workers, only factory workers.

It was only in 1960 that the Labour Department provided a detailed breakdown of the type of injuries which field labourers complained about to labour inspectors. Inspectors had finally decided to broaden their enquiry to include statistics of different industries, "cause of injury", "nature of injury", "location of injury", and "duration of incapacity". As the statistics illustrate, out of a total of 3,152 work-related injuries, recorded for the Sugar Industry in 1960, a majority of these injuries were of short duration, affected the upper and lower extremities, resulted in contusions, abrasions, and punctured wounds, and were caused by stepping on, or striking against, objects and the use of hand tools. In other words, the kind of injuries that field-labourers who are not provided with protective clothing are likely to sustain (ARLD 1960:53-57).<sup>362</sup>

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### 8. NON PAYMENT OF WAGES

This long-term pattern of labour exploitation by non-payment of wages can only be ascribed to Mauritian slavery where owners never paid slaves and continued to be reluctant to pay full amount due to workers. Illegal deductions continued, as under indenture, from the wages of indentured labourers (Hooper 1937:166-167; Balogh 1963:149-151). Complaints pertaining to illegal deductions made from wages primarily apply to job-contractors, but also to field supervisors, *markeurs* (i.e., pay-roll clerks) and estate managers. Despite the laws introduced, the practice of marking labourers as absent when they had done a day's work, or *maron*, in the words of the elderly sugar estate workers themselves, and making illegal deductions from the wages of labourers was not, however, discontinued.

The Labour Department, later renamed the Ministry of Labour in 1962, and the Ministry of Labour and Industrial Relations in 1974, started documenting the complaints of labourers in their annual reports as early as 1938, and complaints pertaining to the non-payment or under-payment of wages are one of the most common complaints that appear in their reports.<sup>363</sup> As can be seen from their reports between the years of 1951-1980/81, which actually document the sums involved, the sums of money are quite significant, but it is also important to bear in mind that not all of these complaints would have applied to the Sugar Industry, and that a large number of the complaints were eventually resolved and, in most cases, labourers were reimbursed for lost wages.<sup>364</sup>

An informant,<sup>365</sup> who rose from being a field labourer to work as a marker himself, also describes *sirdars* engaging in these illegal practices, referring to it in French as *trucages*. Describing his responsibilities as a *sirdar*, another informant<sup>366</sup> said that at the sugar estate where he worked, the *kolom* (or field supervisor) would check on the work of *sirdars* and labourers and that if he was not satisfied with the quality of the work, he would mark labourers as *ena sans al maron*<sup>367</sup> and that they *pa gagn zot kas*<sup>368</sup>. Similarly, another informant<sup>369</sup> states that the manager of the estate where he worked would order *sirdars* to tell the labourers to redo their work if he was not satisfied with the quality of their work, even if they had done it properly. As the informant points out, *misie-la* (the estate manager) would come and check on the labourer's work after two days, hence by this time some of the weeds could have grown back, making it easier for him to find an excuse to tell the labourers to redo their work and deduct their wages. The informant added that he and his workmates could not contest the orders of the estate manager and they had no choice but to complete the *latas* (or load of work), even if they found it too difficult. Of course, this would have also made it easier to deduct the wages of labourers on the pretext that they had failed to complete the task required of them.

It should be pointed out that a number of informants confirm that there were instances of labourers not doing their work properly and describe *sirdars* and other estate personnel whom they worked under as being very reasonable and pleasant to work with. But that should not detract from the fact that abuses have taken place, and that practices that one would expect to be more characteristic of the indentured labour

period, continued after the end of indenture.<sup>370</sup> Complaints pertaining to the non-payment of wages, and in particular job-contractors, appear in the reports of various Commissions of Enquiry convened to investigate working conditions in the Mauritian Sugar Industry since the end of indenture, but the problem never appears to have been stamped out.

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##### JUSTICE COMMISSION 9. JOB CONTRACTORS

The Mauritian Sugar Planter's Association, the main organisation representing millers and large planters have strenuously denied the allegations and assured the Commissioners that it was inconceivable that these abuses were taking place, as measures had specifically been put in place to "exclude such malpractices" along the lines first recommended by the Hooper Commission. Yet, it is interesting to note that, at least with respect to ensuring that estates and job-contractors kept accurate records of hours and wages earned by labourers after the 1938 Labour Ordinance passed into law, the Labour Department was continually turning up evidence of poor recording keeping practices and for which labour inspectors often fined them. The protestations of innocence are

#### Reference 236 - 0.01% Coverage

part of the twentieth century.

In line with the findings of the Hooper Commission, the Balogh Commission proposed that the best way to eliminate these abuses was for the estates to pay labourers directly. But in contrast to the 1961 Meade Economic Report, it stopped short of calling for the abolition of the job-contracting system, even though the Commissioners stated that they hoped "eventually the job-contracting will be replaced by more conventional methods of labour recruitment" (Balogh 1963:151).

All Commissions recognized the role

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##### TRUTH AND JUSTICE COMMISSION INTRODUCTION

Slavery and indenture were primarily economic systems responsible for many ills. Both were also ideological cultural social institutions which created a particular society that many believe to be unique. There may be a case for 'Mauritian exceptionalism'. The particular situation Mauritius was in (geography proximity, existence of local capital, insularity, highly mixed populations, coupled with huge interest of the powers in Mauritius has led to the creation to new communities in the midst of the existing populations. Some of them marked Mauritian history as indelibly as the colonists, slaves and indentured labourers without being any one of these groups or perhaps being a bit of all of these groups. They have been labelled a 'transitional' group or a 'dying' group or even people who did not fit in any category.

In the Commission's attempt to be as inclusive as possible and to cover a wide range of experiences occurring under slavery and indenture, it has focussed some attention on those groups who are neither slaves nor indentured, nor pure ex-slaves nor pure ex-indentured. These are for example the Gens de Couleur because they emerged out of the interaction of slaves, indentured and colonists, the fishermen and pig-breeders who refused to bow to plantation labour and become the unidentified mass living and eking out miserable existences in Port Louis, but chose activities that made them autonomous, the métayers who

did not fit into the category of labourers who rose from 'rags to riches' (the traditional stereotype of indentured labourer history). There are also the Indian Christians, who are still struggling to find a place for themselves and who appear to be both rejected or ignored by both mainstream Hindu and Catholic communities.

## 1. THE GENS DE COULEUR

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histories are brought to light.

Politically, many were also they were victims of repressive measures and injustice during the French occupation (1715-1810) as descendants of slaves and later, in the nineteenth century, of indentured labourers because they were not 'pure white'. After the capture of Isle de France by the British in 1810, there ensued a long, hard fight by the Gens de Couleur for their rights, as regards educational rights, the right to political representation and the right to land ownership.

Today, there is no longer

### Reference 239 - 0.01% Coverage

study is required on this.

Creole or Coloured, thus, has, from the beginning, all cultural origins, and not just African and European origins. Embroiled in this, from mid-nineteenth century, was the struggle to prevent the Asiaticisation of Mauritius embarked upon by those of European origin. It was felt that as Indian labourers came to Mauritius and settled, the existing religions would be influenced by pagan religions. Evangelisation policy was implemented more fully, first against Malagasy religions, and later against Asian religions. Palmyre's statement that the "professionals of the middle class from towns in colonial Mauritius, were often the descendants of black female slaves and white masters, had pale skin, were free and educated, but did not possess land." is therefore not correct.

Discrimination

Prejudices survived from the

### Reference 240 - 0.01% Coverage

the sugar mills in 1830.

During the rapid subdivision of land that took place from the 1840s to 1880s, recently-freed exslaves joined the ranks of the Gens de Couleur and purchased land.<sup>414</sup> However, few were able to retain them for various reasons to the point that they barely possess any land today. Unwillingness to labour land themselves, as it was seen as an activity for 'slaves' or unable to procure labour, and little access to capital are cited as some of the reasons. The Gens de Couleur became predominant in the factories and the building industry. In 1952, 49.5% of the 'Coloured' and Creole workforce were employed in these two sectors.<sup>415</sup> There was the perception of constant threats from the 'Whites' (Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the 19th and 20th centuries. Thus, it gradually lost its economic position and was forced to sell to either 'Franco-Mauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

The Gens de Couleur constituted

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descendants of slaves and Liberated

Africans were left to fend for themselves and were forced to 'recycle' themselves continuously in a range of activities. Urban ex-slaves, in 1835, continued to work in the port, in the maintenance of fortifications, in the building industry in road construction and a variety of hard labour and were not necessarily laid off.<sup>417</sup>

This is a testimony to

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secretarial and administrative jobs.<sup>428</sup>

There is still an overwhelming presence of Creole workers in the building and construction industry. Unless labour is imported from overseas, as it is a fast expanding industry, this category of workers will remain employed. The early cash incentive in this occupation is one of the reasons for the early drop-outs of Creole children at secondary level. The problem is that when recession occurs, the workers will be unemployed.

There is a need, therefore

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reasonable prices.

##### 7. Pig-breeders

Pig-breeding is one of the oldest farm occupations in Mauritius. During the Dutch occupation, pig meat was one of the main sources of animal protein to the small colony of European and slaves. This activity was further intensified during the French occupation, as the population increased. Slaves were assigned the task of feeding the animals on sweepings, left-overs and root crops such as sweet potatoes, manioc etc. Livestock and goat-keeping were also undertaken by slaves. Pig back-yard rearing continued to be a common feature throughout the island without restriction. With the advent of the indentured labour immigration, Muslims and some Hindus being non-pork eaters, care was taken to restrict pig-breeding near them. Most sugar estates continued, however, to keep large sties, and this occupation was assigned to Creole workers. During the period covered by slavery, the noblest parts of pork carcasses were destined to the masters and the rest of the animal to the slaves who had the right to a diet consisting of meat once a week. Pig production and consumption are a tradition which has stood the test of time. Many slaves were initiated in the art of pig-processing by their French masters; many recipes originating from Brittany, were introduced by the French colons and are still in use to this day, both in Mauritius and Rodrigues.

After the abolition of slavery

#### Reference 244 - 0.01% Coverage

##### JUSTICE COMMISSION 3.PORT WORKERS<sup>440</sup>

Port activities today represent a vital economic sector because of the insularity of Mauritius and the fact that all imports and exports transit through Port Louis, making it into a strategic activity. Any disruption in its running undeniably affects the economy of the island. The port is a place of business and all its activities

revolve around it; without the port, the city is in peril. In Mauritian History, the contribution of the port workers to the history, political life and economy of Mauritius has not been recognized. They are the builders of Modern Mauritius alongside slaves and indentured labourers. To date only a short history has been produced by the Aapravasi Ghat Trust Fund, extracts of which are reproduced here. The Commission is not aware of any other study on the history of port workers.

Work in the port was

#### Reference 245 - 0.01% Coverage

of demands made by workers.

Although the 1970s are considered as glorious years of Trade Union activity, there is another history yet to be written concerning the emergence of communalism and division among the working classes, which emerges ironically at the same time. According to Fortune, a full historical investigation is required into the political movement of the 1970s and 1980s and whether it was responsible, among other things, for the propaganda concerning race and the supposed 'labour aristocracy' status of port workers. Was it done as a deliberate move to curtail the port workers' political strength in Mauritian society? Fortune questions how a political movement as such which gathered itself under the slogan 'One People, One Nation' and was sustained entirely upon working class efforts would create racially charged dissension as a means of political strategy.

In this propaganda, race and the supposed wealth of Creole port workers, mostly urban dwellers, was pitched against the much documented stark poverty of rural field labourers, rekindling old tension between these two communities. The propaganda worked well, according to Fortune, in the already racially charged atmosphere of Mauritius of late 1970s and early 1980s, with the riots of 1965 and 1968 only a decade or so ago. The racial discourse concerning the riots of 1965 between Hindus and Creoles, and 1968 between Creoles and Muslims, the strikes of 1971 and the elections of 1982 and how the subject of race was addressed or excluded in the political discourse are part of the history of neglect of port workers. This deserves further study. Furthermore, the ethnic composition of the population working in the port was used to justify the supposed racial homogeneity that the Trade Unions of the 1970s and the elections of the 1980s had brought back to the surface. The historical literature available, however, paints a picture of the port as a racially diverse sector since the early days of the Colony. To think therefore, that in the 1970s and 1980s, the port suddenly became racially homogenous is rather hard to believe. The Trade Union leader of the port workers in 1938 was no less than Sandivi, of Indian origin as were many port workers and in his grandson's words, a 'Creole Malbar'.<sup>444</sup>

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of the Chinese in Mauritius

When the Dutch arrived, labour was brought from Batavia, which at the time was mostly composed of Chinese immigrants, traders and victims of kidnapping. <sup>447</sup> However "there are no known descendants on the island from this period."<sup>448</sup> In the 18th and 19th centuries, colonized by the French and the British, Mauritius became a colony deeply dependent on slave labor for its plantation workforce. The presence of Chinese slaves in the history of the country is specific to a short period of time and a small group of individuals. Only two persons from Macao are listed on the Register of the Government slaves. In 1792, a 60-year old male Chinese slave is recorded as having died in Flacq. "Another, Jean Benoit, born on the Isle de France of Chinese parents, is reported as having died in the same region, in 1791." <sup>449</sup> Louis Vigoureux,

a slave-owner manumitted two Chinese slaves, Gratia and Pauline from Canton, in 1745.<sup>450</sup> The manumission of Chinese slaves created a free Chinese community in the Isle de France.<sup>451</sup> "But they became gradually absorbed into the Creole population."<sup>452</sup> Some other 300 Chinese slaves were also captured and brought to Mauritius.<sup>453</sup>

Chinese Coolies

There were several

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to Mauritius.<sup>453</sup>

Chinese Coolies

There were several attempts, during the British period, to import Chinese labourers to the island. Unfortunately, many of them were unsuccessful. In July 1811, Governor Farquhar asked the Governor of Java, Sir Stanford Raffles, to send Chinese labourers. When the Chinese arrived in Mauritius, Governor Farquhar found himself faced with a "parcel of vicious and vagabond Chinese artisans and outcasts,"<sup>454</sup> instead of the hardworking men he expected. They were eventually sent back. Around 1828, another attempt was made to recruit Chinese labourers. The scheme, established by William Gordon, who ascertained that Chinese could be hired without difficulty as indentured agricultural servants, was put into practice. "A number of labourers were recruited from Penang and Singapore, but when they arrived in Mauritius, they were not satisfied with the terms and conditions of their contracts. They eventually abandoned their work and became vagrants."<sup>455</sup>

An increasing flow of Chinese immigrants occurred from 1840 to 1844, when emigration was temporarily suspended in India, and the Government turned towards the Chinese as a source of labour despite its past negative experiences with the latter. During that period, 8,000 Chinese landed in Mauritius, 3,000 between December 1840 and July 1843 and 5,000 up to 1844. The Chinese were then "seen as the saviours of the sugar economy,"<sup>456</sup> but cases of bad attitude and/or ill-treatment were still very present. James Ng and Marina Carter (2009) remarked that in a few cases, they found that the Chinese were not seen as 'victims' but rather as 'instigators' of disorder,<sup>457</sup> for example, the case of 18 Chinese working on the Queen Victoria Estate. The latter complained of ill-treatment on the part of an Indian Sirdar and a Creole overseer, but they were punished with 8 days in prison and a salary deduction for acting in a threatening manner. Other

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#### Reference 248 - 0.01% Coverage

Commerce and Free Chinese immigrants

According to Ly-Tio-Fane-Pineo (1985), the foundations for a permanent Chinese settlement in Western Indian Ocean were laid by Robert Farquhar, the first British Governor of Mauritius. He believed that Chinese immigrants would greatly contribute to the development of the country. In parallel with the importation of Chinese labour, came free Chinese migrants. The arrival of this type of migrant coincided with a boom in the economic expansion of Mauritius for the next century.

It all started, when Hayme, a Chinese who settled in Mauritius petitioned in 1821 to recruit Chinese at his own expenses; he received the full support of the Governor Farquhar. The latter gave him "the assurances that the immigrants he would bring back would be welcomed to the government."<sup>459</sup> By 1826, Hayme returned back with 5 associates: Whampoo, Hankee, Nghien, Hakkim and Ahim. The men Hayme brought in Mauritius were clearly merchants and traders.<sup>460</sup> During the war in the 19th century, the Nanking Treaty 1842, small traders were ruined by the Traid organisation. These traders either had to associate with the



"Traid" or move to Canton to work in port activities. Knowing that his men were not coolies, but business men, and that a labourer was the lowest social class, Hayme made sure to restrict community activities to retail trading since working as a labourer would "lower the social placement of the community."<sup>461</sup> A list of 26 Chinese in the Faubourg de l'Est in the year 1828 shows the activities of the Chinese. Of the 26, 10 of them were "colporteurs", 12 were merchants, 2 dressmakers and one waterman (batelier) and carpenter.<sup>462</sup> Most immigrants came with the

#### Reference 249 - 0.01% Coverage

would be self-employed.<sup>463</sup>

Chinese businessmen, such as Hayme and Ahine, were very autonomous and resourceful. <sup>464</sup> They engaged in activities that were exclusively done by the Whites. They would import goods in large quantities together with some Chinese labour. Their shops were never out of stock and their prices would defy any competition. <sup>465</sup> Furthermore, the social transformation which occurred in Mauritius from the 1830s, with the liberation of slaves and the arrival of indentured labourers, offered more trade prospects to the Chinese. The Chinese set up their businesses at strategic points and received a type of clientele who "were not readily accepted by the Europeans." In Port Louis, they settled between "le camp des noirs" and "le camp des Malabar"<sup>466</sup> and traded between these two local communities.

Their commerce expanded through rural

#### Reference 250 - 0.01% Coverage

dominations of the sugar magnate.

"We suffer the same faith, we suffer the same destiny, we get the same destiny. The liberated slaves, indentured labour and the free immigrants shared the same common destiny. When the wipe of colonialism is slashed, no one was spared. Even the Chinese shopkeeper, he has to bear. Do you know what injustices the Chinese suffered when they run a shop? [...] you can't collect your money at the end of the year, the sugar magnates, you have to provide them with gifts. You must provide them with "cadeau l'année". The contribution of the shopkeepers cannot be underestimated. They have introduced the system of credit, "carnet la boutik", to feed the descendants of slaves and indentured labourers"<sup>478</sup>

"The shopkeeper is a sort

#### Reference 251 - 0.01% Coverage

comme des Chinois »<sup>481</sup>

#### CONCLUSION

The contribution of the Chinese, in the view of more than one, was seen as unsung in the economic development of the country. Their apparent economic success shadows came from labour, callous living conditions and dominations which they had to endure for almost two centuries during their presence in Mauritius. The new generations of Sino-Mauritians have been spared all these sufferings, at the cost of "forgetting" their roots and culture. The contribution of this community lies beyond the field of economic development; they nurtured relationships both within and outside their communities and contributed to the well-being of every Mauritian. They lived within every community of the island, irrespective of ethnic barriers, making their own contribution to the development of the country through innovative ways of helping people and developing business.

However, while looking forward to the younger generations moving up the social ladder, the community has been faced with a loss of memory, relegating its past sufferings and conditions. To some extent, the community preserves only the legendary hardworking capacities of the Chinese people. History itself has played a role in this parody of a depiction of this community which has often been limited to hard labour or to distinctive figure of the Chinese and their astonishing economic development over the last two centuries. These people fled their countries to form new communities all over the world. Most of them would not return to China after the Communist takeover and found no other solution, but to stay, and secure their future, in their adopted countries.

Nowadays, after an incredible economic

#### Reference 252 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Indian slaves won fame for their ability to prepare food and were preferred to their African counterparts as domestic servants and often spared from hard labour. Free slaves, recruited since Mahé de Labourdonnais as skilled workers and artisans, proved to be essential in the building and construction sector. Throughout the whole French occupation, slaves of Indian origin were not differently treated to other slaves, and some joined the ranks of the maroons. The history of marooned slaves bears witness to an extract of Le Nouvelliste, dated 1st May 1802.

« Un homme Caesar de caste

#### Reference 253 - 0.01% Coverage

Indian origin and their descendants.

In his work on land acquisition by slaves and indentured labour, Richard Allen has highlighted on the ownership of land by the gens de couleur, a majority of whom were free Indians from Pondichery. For the period covering 1766 – 1809, 17,460 arpents were owned by free Africans and Indians classified as gens de couleur.<sup>491</sup> The enactment of the law of Emancipation of 1767 in the code Delaleu gives recognition to the presence of a third category of individuals, as opposed to the whites and the slaves. A majority of the people falling in this category were of Indian origin. Due to gender imbalance, many Indian slaves had no alternative but to marry women slaves, both of Malagasy and Mozambican origins.

On the other hand, in

#### Reference 254 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

Malagasy origin was such that, according to Hazareesing, <sup>495</sup> when the first Indian indentured labourers landed, they hardly noticed any trace of Indian culture among them.

Indo-Christians, in the context of indentured labour, 1829-1923

The British occupation, unlike the

#### Reference 255 - 0.01% Coverage

##### AND ORIGINAL RICHE TERRE PLANTERS

The history of the métayers (share croppers) was brought to the Commission's attention as a result of representations made by métayers in the South of Mauritius. The Commission decided to investigate further for several reasons. First, although they have grown sugar since the days of indenture (1840s), they have never owned the land and can be evicted at any time. They have, like many other groups in Mauritius, been the victims of restructuring of the Sugar Industry. A history of metayage appears in Volume 2 and in Volume 4. In the past, eviction could occur at any time, when their leases ended, when sugar was no longer required, or when the land was required for other more profitable purposes. What is the future of métayers in the new economic configuration? What future do they have? Today, the lands which they occupy and have been associated with for generations, considered 'marginal' at the time, have been 're-labelled' 'strategic' zones today, and are worth millions. The sugar estates have played their historic role, as they always have; they have disposed of labour when no longer required, and shifted labour where work was required, intimidated and used all the legal arsenal at their disposal to maintain their property. What is reprehensible is the role of

#### Reference 256 - 0.01% Coverage

even disregarded Privy Council judgements.

A much publicized agreement was signed between the Mauritius Sugar Producers Association and the Government before the elections of 2010. The Commission learnt that the métayers in the South had not participated in discussions, nor even seen the Agreement, signed on their behalf, with the exception of the Secretary of the Association who had not informed his members or the President of the Association. A meeting of métayers in the South was convened. The métayers felt they had been abandoned by the Democratisation Committee and by a Member of Parliament at that time, who had represented them before. According to them, some of their members have been "bought" by the sugar estate to accept less better terms. None were aware of the terms of the Agreement signed on their behalf. They felt that, had it not been for the 'vendeurs' (traitors), they would have got the land that they wanted. Some have an emotional attachment to the land which they have worked on for generations; they did not want any other land. Some of the lands proposed for swapping were too far away. Other lands were being given on hilly land and on hunting land which was not flat and which makes harvest difficult and impossible to mechanise. They felt very strongly about their land. They had cleared and planted it, made it rich and valuable land for many years. The sugar estates have made much profit from their labour, when selling sugar, but none of this counted in assessing the value of land. The role of Surveyors and Notaries in depriving people of their land was decried.

It is clear that the

#### Reference 257 - 0.01% Coverage

and signing the new Agreement.

Despite the fact they were advised not to sign the Agreement with the sugar estate, many did so and regret it today. Today the métayers want reparations for having performed labour for the sugar industry over many generations; now, they are being asked to 'lev pake ale' (pick up their bags and go). They also stated they had been victims of intimidation: pigs and deer have been let loose on their land to force them to leave as crops were destroyed, and fire has been set to their canes.

Many are descendants of immigrants from India who arrived in Mauritius during the period of indenture. This particular group included indentured labourers as well as free immigrants. Both were considered together, as the two groups endured the same conditions. Some families have been in métayage since the

days of indenture. Today, as these families, under métayage, face a possible loss of land worked on from the indenture period.

There were three kinds of

#### Reference 258 - 0.01% Coverage

be the most vulnerable group.

According to Mr. Chauveau, the Officer responsible for small planters and métayers in Bel Ombre SE, the terrain was one of the most difficult.<sup>515</sup> He stated that most métayers were ready to disappear, due to high costs of labour and transport. To make a profit, according to him, one needed to produce about 30 tons of cane, but most were producing 14, 12, 15 tons, others 20 tons, with great difficulty.<sup>516</sup>

While it appears to be

#### Reference 259 - 0.01% Coverage

had obtained a fair deal.

The Commission believes a fairer form of compensation would have been to take into account the historic rights of the métayers and the years of labour spent working the cane fields, clearing, weeding and maintaining it for the owners. The métayers deserve an apology from the State, for not having defended them appropriately and for the callous manner in which they were convened. The TJC's recommendations, therefore, go in this direction. Little can be done for those who were forced to leave before the new laws were introduced, and who left without any form of compensation. This history must, however, be documented and enter the History books.

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#### Reference 260 - 0.01% Coverage

at all by authorities.

#### RECOMMENDATIONS

1. A fairer and more just compensation be given to métayers based on a in-depth study and a full multidisciplinary (including historical, financial and economic) re-evaluation and assessment of their contribution to the Sugar Industry over generations since the arrival of indentured labourers to Mauritius.

2. In the case of

#### Reference 261 - 0.01% Coverage

included in the compensation calculation.

□ Property rights are not the only consideration as métayage has immensely benefitted the sugar estate owner: cheap labour, sugar produced on land that he would find difficult to farm (poor soil, sloping or rocky land).

□ Calculation of compensation was based

#### Reference 262 - 0.01% Coverage

## JUSTICE COMMISSION 1. RACISM Introduction

At a time when Mauritius is celebrated for its protection of political and economic liberties, many Mauritians still seek social justice and long for an honest reflection on the past, as well as an honest account of the present. No society can claim to have 'progressed', if it has a significant percentage of its population either living in poverty and/or experiencing racial or other marginalisation on a daily basis. The negative legacies of slavery and indenture are still evident in Mauritius and continue to impede social justice and, consequently, undermine political and economic liberty. This, coupled with the historical and contemporary denigration and/or ignorance of slave/indentured labourer contributions to the society, perpetuates stereotyping, racism, underdevelopment, poverty and cultural amnesia.

The Commission has investigated racism

### Reference 263 - 0.01% Coverage

social, political and cultural practices.

Descendants of slaves and persons of African and Malagasy origin continue to experience significant marginalisation and poverty in Mauritius, but these experiences vary. This is partly because Mauritius has experienced significant inter-ethnic mixing since the abolition of slavery, and partly because there were differences, to begin with, between different groups of slaves and indentured labourers. Many can trace their ancestry back to slavery and indenture, and many others cannot. Thus these identities, as well as the experiences that flow from these, are real. The Commission has also studied genealogies of many people and, therefore, can safely state that there are descendants of slaves and descendants of indentured labourers in Mauritius. The experiences of these groups are real, and such people do experience discrimination, marginalisation and poverty on the basis of their historical identity.

The Commission finds that Mauritians

### Reference 264 - 0.01% Coverage

his or her own 'kind'.

Socialisation, from a very young age, plays a major role in determining the experiences of slave descendants and descendants of indentured labourers. Their social lives are also constrained by the expectations of the older generation, the religious authorities, the school context and the places where they reside. Thus, all these factors conspire to foster a relatively restricted existence for the youths of Mauritius. Indeed, in the school context itself, it was found that the youths are able to experience a measure of freedom from these constraints. But once outside the school context, they are expected to conform and perform their assigned 'racial' or ethnic roles. Conflict arises when the individual does not conform according to the expectations of family, friends and religious communities.

Much more substantial work has

### Reference 265 - 0.01% Coverage

system' today in Mauritius Continuity

The 'caste system' is still present in Mauritius, among descendants of indentured labourers, when it comes to wedding arrangements, commensality, devotional practices (low castes sacrifice pork, high castes

sacrifice goat or have stopped animal sacrifices) and politics (for national and local, or even student elections, most of all in vote-catching strategies engineered by candidates).

Where caste has ceased to

#### Reference 266 - 0.01% Coverage

as a Tool for Reparation

Among the many questions which the Commission has sought to answer has been that of the consequences of slavery on ex-slaves and their descendants concerning education. It is, however, the absence of the provision of education to the slave population and the ex-slave population that has the greatest impact on their lives and that of their children in the post-emancipation period. Furthermore as previous chapters have demonstrated, the need for a docile labour force, tied to the sugar sector, meant that the type of education envisaged for the slaves and ex-slaves was focussed on providing vocational education. The absence of education was deplored, but only because it did not fit the employers' needs. Reverend Lebrun, the apostle of public education, was the only person in Mauritius aiming to teach the children of ex-slaves to read and write thus paving the way for a generation of professionals.

By contrast, the absence of

#### Reference 267 - 0.01% Coverage

each school) were carried out.

The specific objectives of the study were to examine the extent to which teachers were equipped to teach children from disadvantaged backgrounds, particularly those of slave descent and indentured labour descent attending the PVE; to assess whether in-school and out-of-school processes within the PVE sector were empowering the children and actually providing a second chance; to explore the different avenues available, and which could be used in assisting towards ensuring better futures for children attending the PVE sector. Focus Group discussions were carried out with a diverse student population within the PVE Sector in different geographical areas around the island. Questions and topics raised with students were mainly related to their identities, past and current school experiences, daily life experiences, their family life and parent involvement in their studies, and their knowledge of topics such as citizenship, 'Ile durable', patriotism. FGDs and other interviews assisted in obtaining some kind of triangulation.

Main findings The main findings

#### Reference 268 - 0.01% Coverage

findings of the discussions were:

1. On questions of Identity of students and the perceptions of slavery and indentured labour, many students described themselves as 'Creoles' or 'Indians'. Some of the Creole children called themselves Catholic but very few could actually connect with their slave or indentured past. Creole students reported that certain 'pejorative' (sometimes seen as racist) terms were used by other non-Creole groups in describing and/or addressing them.

2. On the experiences of

#### Reference 269 - 0.01% Coverage

later get a good job.

For the girls, the aspirations were somehow different and varied from one school to another. In very few distinct institutions, most of the students wanted to pass C.P.E., integrate mainstream and have a good job. Those aspirations simply reflected the quality of education they are receiving at school. In those same schools, those who preferred to enter the labour market, had very original ideas of what they will be doing in the future. A student mentioned operating a day-care centre, while another said that she would create her own jewelries and sell them. Another one said that she wanted to operate a

#### Reference 270 - 0.01% Coverage

##### HEALTH CARE IN MAURITIUS Introduction

In 18th and 19th centuries, ill-health took a heavy toll of lives of slaves and indentured immigrants. High mortality amongst slaves reflected their harsh living and working conditions, and they often did not live longer than middleage. Indentured labourers too were characterised as weak and subject to premature ageing as a result of hard work, poor nutrition and disease. Access to health services was not easily and adequately available. Often denied adequate food and a balanced diet, proper sanitation and shelter and harsh labour conditions caused undue harm to their physical and mental health. Some timid measures to improve living conditions were undertaken by the Colonial Administration in the 19th and 20th centuries, lagging behind on health services development in Britain.

##### 1. Nutrition and Malnutrition

The

#### Reference 271 - 0.01% Coverage

malnutrition and high infant mortality.

Apart from poor diet and the high prevalence of infectious diseases in Mauritius during the colonial period, the underlying causes of malnutrition were, most importantly, the low standard of living followed by lack of awareness, coupled with certain prejudices. The low standard of living of the labourers was the result of inadequate food rations, low wages insufficient to supplement their rations and too little food provisions from family production or gathering in the wild. The economic policy prioritising the production of cash crop (sugar cane) for export further decreased available land for food production.

After the Second World War

#### Reference 272 - 0.01% Coverage

children and the general population.

There is no evidence, however, of consequences today on the population of the poor health of the slave sand indentured. As a result of chronic malnutrition and hard physical labour at a young age, slave children were subjected to severe growth retardation, as evidenced by their short stature by age 18. The heights of Mauritian slaves' children (both boys and girls) (in 1826) were far below the World Health Organisation (WHO) Reference throughout the age range 5 to 18 years, while contemporary Mauritian children (Creoles and Indians) (in 2004) have caught up with the WHO Reference. It is known that stunted growth among

children is related to chronic protein-energy deficiency as well as to repeated episodes of infectious diseases.

In 1942, however, primary school

#### Reference 273 - 0.01% Coverage

WHO norms.

Nutritional deficiency diseases

Studies and hospital records since the Second World War have revealed that the labouring class commonly suffered from iron, thiamine and riboflavin deficiencies and, less commonly, from

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#### Reference 274 - 0.01% Coverage

virtually disappeared by the 1950s.

Although anaemia was a serious problem during the 1900s until the 1960s, generally affecting the lower-income groups of the population, it was particularly common among the Indian section of the population and affected mostly women of child-bearing age and young children. The disease was generally associated with malaria as well as hookworm infection. With the eradication of malaria, improved sanitation, public health measures (including iron supplementation and free shoes or boots to school children and labourers) and improved nutrition, anaemia ceased to be a major public health problem by the end of the 20th century. In addition to the overt signs of vitamin and mineral deficiencies, chronic sub-clinical deficiencies of vitamins (A, Bs and C) could also have resulted in fatigue and increased susceptibility to infection. Chronic caloric deficit coupled with B-vitamins and iron deficit caused muscle weakness, loss of appetite and fatigue, leading to low working efficiency of the labouring population.

In the second half of

#### Reference 275 - 0.01% Coverage

can be summarised as follows:

a. The slaves of African origin were on a mostly vegetarian high bulk diet having high carbohydrate and low protein content, with occasional consumption of salted fish or meat. Alcohol abuse was a problem among slaves. Their caloric intake barely met their high energy needs for intensive labour resulting in chronic under nutrition of both adults and children as evidenced by stunted height of both adults and children. The diet was monotonous and deficient in various vitamins and minerals. Total mortality was very high and life expectancy very low (hardly reaching middleage).

b. The Indian indentured labourers were mostly vegetarian with occasional consumption of animal protein and little milk. Their diet was high bulk, high carbohydrate and low to moderate in protein. Vegetable consumption was higher than for slaves. B-vitamins deficiencies and iron deficiency anaemia was prevalent. Their caloric intake barely met minimal needs resulting in chronic under nutrition. Both overall and infant mortalities were high and life expectancy was low. Indian labourers in the 1940s had poor physique and low work performance related to their poor diet and recurrent diseases, and suffered premature ageing. The prevalence of malnutrition coupled with malaria and other infectious diseases (including hookworm infestation) gave rise to a sick and debilitated population.



c. From 1950s to 1980s, malaria eradication and improvement in water and sanitation and socio-economic measures led to improved health and nutrition status of the descendants of slaves and indentured labourers. Their nutritional status improved with increased protein intake, a more varied diet, free distribution of food supplements to the vulnerable groups and

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#### Reference 276 - 0.01% Coverage

and Europe.

Sale of alcohol

Retailers, hotels and inn-keepers, as well as taverns, restaurants, refreshment rooms and public billiard rooms, were authorised to sell alcoholic beverages, but the opening hours and authorisation to consume "on" or "off" premises were strictly regulated for each facility. Chinese shops, scattered all over the Island, supplied their customers, who belonged mostly to the working classes, with liquor, principally rum, in pints (chopines), and in small measures, popularly known as topettes or petits baquets, which are consumed on the premises. The maintenance of control and order over drink shops or drunken men was carried out by the Police (Balfour 1921). The health and social consequences of this overindulgence raised concerns among the authorities. This affected mainly the working-class population (fishermen, artisans, agricultural and dock labourers, and the lower

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in so short a time.

The main achievements of modern Mauritius can be listed as follows: the eradication of Malaria; the supply of clean pipe water throughout the island; the control of population growth and introduction of Family Planning methods have led to planned families; improvement of health by an integrated approach of control of Hookworm and Amoebiasis, provision of shoes to school children and boots to labourers and supply of school meals and milk to school children; regionalisation of Health Services and distribution of resources equitably to all parts of the island; introduction of specialised care like cardiology services, neurosurgery, dialysis centres and dental care; the increase in the number of doctors and nurses has led to an easily accessible health service and visits of foreign teams in cardiac surgery, neurosurgery and renal transplant have greatly helped in the training of local doctors and nurses. Today, complicated cases are being dealt with by local teams.

An increase in life expectancy

#### Reference 278 - 0.01% Coverage

for a National Genealogy Centre

A. To assist Mauritian families, many of whom are descendants of slaves and indentured labourers, to reconstruct their family trees in a more credible manner than hitherto possible. This is in recognition of the numerous difficulties faced by ordinary Mauritians to collect relevant and accurate data concerning their family history due to :

1. Family papers not having

#### Reference 279 - 0.01% Coverage

observation applies specifically to Rodrigues.

The Governor would also wish particularly to know which would be likely the most eligible place for a modified Penal Settlement where prisoners could be sent to undergo their sentence of hard labour and confinement instead of in a goal in the Colony... a measure which, both in a moral and political view, His Excellency considers an object of great importance"531.

FRENCH AND BRITISH RIVALRY IN

#### Reference 280 - 0.01% Coverage

##### The Care of Elderly Persons

In line with the trend for the Republic of Mauritius, the population structure in Rodrigues is gradually changing towards an increasingly larger number of elderly persons. The age structure in the Republic has changed considerably in the past four decades. In Rodrigues, the number of persons aged 60 or above increased by 65% from 1990 to 2004. At the same time, the share of population above the age of 60 grew from 5.9% to 9.1%. The ageing population poses new challenges to the society, particularly in terms of care arrangements. Wider societal changes, such as the abandoning of the extended family system, increasing labour market participation of women and the gradual disappearance of the female care-giver model, all add impetus to the need for society to arrange for care of the elderly. In view of these changes and given the growth in the elderly population, it is important to set up facilities that can accommodate elderly persons who are not able to live with the family or on their own and elderly who are in need of day care services. The population projections, detailed below, indicate that the elderly population in Rodrigues will grow rapidly over the next 40 years and that the elderly population will come to constitute an increasingly larger share of the islands inhabitants.

Support systems for elderly persons

#### Reference 281 - 0.01% Coverage

##### TRUTH AND JUSTICE COMMISSION INTRODUCTION

In its short 400-year-old history, Mauritius has known one of the worst forms of injustice, marked by the establishment of slavery and a not-so-perfect post-emancipation period where indentured labour was brought in. Today, Mauritius is now considered as one of the most avant-gardiste in the field of Social Justice. Yet a Truth and Justice Commission was set up, indicating that all was not well.

Slavery was legalized, following the enactment of the Lettres Patentes (Code Noir, 1723). Studies carried out in both French and British periods show that slavery was far from being 'mild'. Slaves were chattel in the eyes of the Law, as well as being movables and they could be sold, hired out and transferred at any time in their lifetime. Slaves had no right to property, to a stable family, to a legal personality, or even to a surname. Slavery was also marked by the denigration of African and Malagasy culture and religion. Today, slavery is officially recognized as a "crime against humanity." When abolition of slavery occurred in 1835 and was replaced by wage labour, mainly from India, this was considered as a major advancement. However, this new immigrant contractual labour was far from being 'free', and numerous restrictions were placed on their mobility. Health and sanitary conditions on estates were far from satisfactory and on many sugar estates, there was heavy mortality.

The Commission's mandate was to

#### Reference 282 - 0.01% Coverage

particular recommendations are being made.

What concepts of justice existed in colonial Mauritius? How did this conflict, or correlate with, and contradict, concepts of justice elsewhere? Debates among thinkers about the nature and types of justice continue today. The abolition of slavery and its replacement by wage labour, was considered by some political thinkers as a major landmark in advancement of social justice. But what was considered to be 'just'? Was there any social justice for the ex-slaves and indentured labourers? To answer this would require explanations of what the TJC's concept of justice is and where it stands in the debate. The following explanation must be based, not only in consideration of public global debate on social justice, but also on the situation existing in Mauritius.

The Commission has thus been

#### Reference 283 - 0.01% Coverage

Justice, 1880s-1930s Political reform

In 1885, an important event took place in the democratic field, when free elections were held. But unfortunately, voting rights were restricted to only a few persons, as stringent conditions regarding property, rent and revenue, debarred some 96% of the population from taking part. The result is that only the sugar elite and a few members of the Gens de Couleur and Indians could vote. The Constitution of 1885 (Pope Hennessy Reform) continued up to 1948. Needless to say, the great majority of descendants of indentured labourers and ex-slaves were debarred from taking any active part in politics.

Further, the riots of 1911

#### Reference 284 - 0.01% Coverage

Lallah in Savanne, were elected.

Following the cyclone of 1892, the Sugar Industry was seriously hit and in need of capital for reconsolidation and expansion. Requests for assistance from the United Kingdom met with reticence. In 1909, however, the Colonial Office appointed a three-man Commission, headed by Sir Frank Swettenham, to enquire into the financial situation of the country and all problems connected with labour and immigration. The Commission submitted various recommendations and showed its apprehension concerning the idea that, in spite of the overwhelming majority of people of Indian origin in the colony, these were not represented in the legislature. Although the Royal Commission of 1909 recommended the cessation of labour recruitment from India, this did not take place until Maharaj Singh also recommended it years later. This marked a new era in Mauritian History. The First World War (1914-1918) did not slow down the fighting spirit of the emerging class of politicians which, hitherto, comprised part of the Indian elite.

2. Protest by artisans, labourers and small planters and the rise of Trade Unionism

It was not until 1936 that Mauritian society underwent a profound transformation in terms of the rising consciousness of workers. This occurred with the advent of the introduction of trade unions and the foundation of the Labour Party by Dr. Maurice Curé and Emmanuel Anquetil. This came about because of very low wages, and the indifference of the Government of the day more inclined towards the preservation of sugar interests. Several strikes by workers struck the island claiming justice. Protests also came from small planters as it had become difficult to survive with the meager revenue from the cultivation of sugarcane. In

the absence of regulations concerning the purchase and sale of cane in different factory areas, a drastic cut of 150% in the price of cane belonging to the Uba variety was effected. This added fire to the flames. There was a loss of life as a result of shots being fired from the premises of the sugar estates.

The Labour Party campaign had a tremendous impact on the mind-set of the people, and it was the first time that an open confrontation took place between the sugar elite and the masses, which

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##### THE TRUTH AND JUSTICE COMMISSION

culminated into mass protest at l'Union Flacq, where an angry crowd wanted to damage the factory. All the labour disturbances and protests led to the setting up of the Hooper Commission which published its Report in March 1938. Similarly, the Moody Report was published in 1943 to shed light on the reasons for the labour unrest which occurred at Belle Vue Harel in the same year. It was during the confrontation of labourers and police that Anjalay Coopen and 3 other workers were shot dead. The Commission, headed by Moody, recommended legislation governing the purchase and sale of cane, the setting up of an Industrial and Arbitration Tribunal and an increase in wages by 10%. The first half of last century was thus marked by labour consciousness and opened the way for more social reform and better bargaining power accruing the labouring class, including artisans and general workers.

3. Major developments from the

#### Reference 286 - 0.01% Coverage

of a more egalitarian society

In their manifesto of 1948, the Labour Party had plans to introduce Social Security, Old Age Pension, compulsory education, low-cost housing and expansion of co-operatives for small planters. Further reforms in education and health services were also advocated.

The beginning of a more

#### Reference 287 - 0.01% Coverage

Fabianism and the Welfare State

The carving of Social Justice in Mauritius was the direct result of the political philosophy of the Founding Fathers of Mauritian Democracy. Major political figures, such as Maurice Curé, founder of the Labour Party, Emmanuel Anquetil, Guy Rozemont and Dr. S. Ramgoolam the country's first Prime Minister, profoundly influenced policies towards Social Justice.

Achievements in the field of

#### Reference 288 - 0.01% Coverage

Income Maintenance and Social Security

Social Security has its origins in the Poor Laws of Colonial Mauritius, all enacted under the guidance and approval of the Colonial Office. It was as a result of pressure from the Labour Party that much legislation came into force in the Colony in this field.

Although many measures were taken

#### Reference 289 - 0.01% Coverage

after the Second World War.

In 1965, there were about a hundred Unions registered in Mauritius, as opposed to only about 25 in 1948.<sup>546</sup> The first Law which revolutionized labour / employment relations in Mauritius was the Security of Employment (Sugar Industry) Ordinance which came into force in November 1963. It was a measure against growing unemployment which provided for work by employers in the Sugar Industry and provided for employment during the intercrop season. The Act was further amended in 1966 to consolidate the provision of work during the intercrop season.

The second Law which revolutionized

#### Reference 290 - 0.01% Coverage

of the standard of living.

Regulations were also made in relation to termination of contract by the Industrial Relations Act (IRA) 1973 and the Labour Act 1975. The Export Processing Zone Act was passed in 1970 for employees in the Export Processing Zone Sector. This Act was replaced by the Industrial Expansion Act (IEA) 1993.

Termination of contract of Public

#### Reference 291 - 0.01% Coverage

work environment came into force.

The two most recent pieces of legislation in the field of Employment in Mauritius are the Employment Rights Act, 2008 and the Employment Relations Act, 2008, which replaced the former Labour Act, 1975 and the Industrial Relations Act of 1973, respectively. These Acts came in at a crucial moment in the history of the island in order to respond to the new work environment, as a result of forces of globalization.

However, there have been widespread

#### Reference 292 - 0.01% Coverage

the Country: Poverty and Exclusion

The track record of Mauritius in the field of Social Justice is impressive. It has won recognition the world over. Contrary to the opinion of Meade and Titmus, Mauritius has made its Social Justice policies a success.<sup>547</sup> One of the cornerstones of success is undoubtedly the peaceful coexistence of the various ethnic groups in a vibrant democracy. Fabian Socialism, inspired by the British Labour Party, even prior to Independence, has had a tremendous influence on policy-making, and all Mauritian Governments to date have openly professed economic growth with Social Justice.

However, sadly, as is usually

#### Reference 293 - 0.01% Coverage

of Mauritius – The Chagos Saga

In the wake of an independent Mauritius, the British, contrary to U.N resolution regarding the dismantling of territories of any future State, decided to separate the Chagos Archipelago as part and parcel of the Colony of Mauritius. The Chagos Archipelago, very much like Rodrigues and Agalega, was inhabited by people of slave descent who laboured in the Coconut and Fishing industry in extremious conditions. The decision of the then Colonial Office to sever connections with the Mauritius mainland is a dark spot in Colonial History of the British Empire. As a consequence of the British decision, in 1970, thousands of Chagossians were deported to Seychelles and to Mauritius. They were uprooted from their motherland, Peros Bahnos and Salomon Islands, in the Chagos Archipelago, Diego Garcia. Following an agreement between USA and UK, shortly afterwards, Diego Garcia was ceded to USA for the establishment of a military base with sophisticated armaments. In 1972, the British Government paid a sum of £ 650,000 to the Mauritian Government destined for the displaced Chagossians. In 1982, the UK Government paid a further sum of Rs. 100 million to the Chagossians.

The exiled Chagossians are today

#### Reference 294 - 0.01% Coverage

quit the island manu militari.

The argument was that they were the owners of the slaves and that unless compensation was to be paid for the loss of their "property" they were not prepared to liberate them. The colons further held that slaves constituted the only source of labour on the island. Abolition would thus bring about the ruin of the colony and bring about all activities into a standstill. Hence the term "Sans esclaves point de colonie" (Eng. Trans, 'no slaves, no colony').

In Britain, the campaign against

#### Reference 295 - 0.01% Coverage

free citizens of the colony.

As a result of the abolition of slavery in its colonies, the British Government decided to compensate all slave owners in the colonies. A sum of £ 20,000,000 was thus voted. Most of the beneficiaries were British investors in the Caribbean. Mauritius however was the only colony where the most important beneficiaries were the descendants of French colons and owners of sugar estates and businesses. A sum of £ 2,112,642 was received as compensation for the loss of 67,500 slaves in Mauritius. Slaves received nothing for the loss of freedom and for having performed unpaid labour for centuries.

No action plan was put

#### Reference 296 - 0.01% Coverage

land but subsequently lost them.

What really took place after the proclamation of the order of liberation of slaves in Mauritius has not been fully researched. But one tactic of employers becomes clear and that was the need to depress wages as ex-slaves and quite rightly so, expected to be given decent employment and paid a decent wage. Depression of wages occurred by importing thousands of contract labourers from overseas. Ex-slaves continued to be employed however as mechanics, artisans and skilled workers in the sugar factories, a tradition which exists up to this day. In many places in rural Mauritius, certain localities still bear the name of 'Camp Creole' to

remind us that these were the localities formerly inhabited by artisans and skilled and unskilled factory workers. There were also the port workers, many of whom were people of Afro-Malagasy origin. Thus the contribution of ex-slaves and their descendants to the sugar industry did not stop after the abolition of slavery. Despite this, they were stigmatized as being lazy and worthless individuals by employers and colonial officials.

For generations ex- slaves and

#### Reference 297 - 0.01% Coverage

was set up in 1968.

The struggle of the Organization Fraternelle (OF) deserves special mention. Although it has been a long battle for the Michel brothers, many of their demands, made since the 1960s and 1970s have today been taken up by Governments and by younger Creole leaders. For the last four decades in spite of their very limited means, they have laboured hard for greater recognition of the Creole specificity as an important component in the Mauritian kaleidoscope. They have shown that the Creoles are not a minority because they represent some 50 % of the Christian population of the country that is around 200,000. They have fought for and succeeded in obtaining the introduction of a daily creole news bulletin in both radio and television, in the official commemoration of the abolition of slavery on the 1st of February; recognition of the Le Morne Brabant as a place of memory and the introduction of the teaching of the Creole language in schools. Their most important claim is for financial compensation for damages caused to the descendants of slaves who suffer the consequences of slavery.

Many other groups have emerged

#### Reference 298 - 0.01% Coverage

the slaves and their descendants,

The descendants of slave owners who have inherited considerable fortune through free labour of their slaves and who have treated them most inhumanly. Their contribution to be to the order of 70%

iii. Government should be a

#### Reference 299 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION

2. The Comité 1er février was represented by Father Maurice Labour Dean of the Catholic Church and Dr Daniel Florigny-Palmyre and others. The claim consisted of the following:

1. Better safeguard of archival

#### Reference 300 - 0.01% Coverage

DURABLE project 19. Land Issues

ECONOMY 20. Economics, labour and employment

CHAGOS, RODRIGUES AND AGAEGA

21

#### Reference 301 - 0.01% Coverage

sections of the Mauritian population.

12. To assess the quantitative value of the labour by future researchers trained in Economic History and historical statistics.

13. As so many sources

#### Reference 302 - 0.01% Coverage

and an exhibition space created.

□ The National Heritage Fund to locate all sugar estates using slave labour from 1815 to 1835 and a memorial plaque placed outside each of them with all slave names found from the 1826 and 1835 registers.

□ Memory to Pedro Coutoupa, maroon

#### Reference 303 - 0.01% Coverage

by all sections of society.

□ Stereotypical attitudes concerning descendants of slaves and slave owners, Europeans, Africans, indentured labourers, Indians are prevalent among public officials, private companies and the public at large, and especially those in charge of policy-making and decision-taking.

□ There is increasing bureaucratisation and

#### Reference 304 - 0.01% Coverage

officer in their own communities.

□ Many descendants of slaves and indentured labourers live below the poverty line.

□ There is a continuity in

#### Reference 305 - 0.01% Coverage

under Slavery, Indenture and Colonialism.

□ This system and policy of affirmative action must take into account women of slave and indentured descent. While it is acknowledged that it is presently difficult to define who is slave/indentured labour descendant, policy-makers (and Government) should ensure that positive discrimination occurs.

70. Discrimination at any level

#### Reference 306 - 0.01% Coverage

equal access of Creoles to

□ land and housing; □ labour;

□ social and economic networks ( from



#### Reference 307 - 0.01% Coverage

of a National Genealogy Centre

□ To assist Mauritian families, many of whom are descendants of slaves and indentured labourers, in their quest for identity, to reconstruct their family tree.

□ Provide Mauritians with all the

#### Reference 308 - 0.01% Coverage

in common representations and practices.

□ That the shared popular culture of indentured and slave descendants be promoted rather than the Sanskritised, elitist and orthodox culture that is currently being promoted and which does not represent the true heritage of the labouring classes.

□ Heritage sites and commemorations should

#### Reference 309 - 0.01% Coverage

their views.

THE COMMISSION RECOMMENDS:

181. A fairer and more just compensation be given to métayers based on an in-depth study and a full multidisciplinary (including historical, financial and economic) re-evaluation and assessment of their contribution to the Sugar Industry over generations since the arrival of indentured labourers to Mauritius.

182. Reparation payments by Government

#### Reference 310 - 0.01% Coverage

are really sustainable or not.

190. To establish vegetable gardens and small farms attached to schools to promote respect for manual labour and/or producers of hand made products.

191. Visits by schools to

#### Reference 311 - 0.01% Coverage

Truth and Justice Commission 436

VOLUME 1: REPORT OF THE TRUTH AND JUSTICE COMMISSION 20. ECONOMICS, LABOUR AND EMPLOYMENT

224. The Colonial Powers, Holland

#### Reference 312 - 0.01% Coverage

JUSTICE COMMISSION THE COMMISSION RECOMMENDS:

283. That in the light of injustices suffered by slaves and indentured labourers and their descendants, the Republic of Mauritius and other institutions make an official apology through the President of the Republic, the Prime Minister and private institutions connected with slavery and indenture, such as the Catholic Church, the Chamber of Commerce and the Mauritius Sugar industry

284. That a resolution be

#### Reference 313 - 0.01% Coverage

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20 Carter. op cit. 21

#### Reference 317 - 0.01% Coverage

ne laisser personne inutile.'

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Commission International Conference Slave Trade

#### Reference 318 - 0.01% Coverage

Mr. Charles Telfair, March 1827.

241 Letter from the Free Labour Association to the Imam of Muscat, 8 June 1840, MA: IA/26; quoted in H. Ly Tio Fane, 'Apercu d'une Immigration Forçée', 10.

242 Ly Tio Fane, 'Apercu

#### Reference 319 - 0.01% Coverage

Port Louis and Vallée-Pitot

272 Frere and Williamson, 1875, p.303-311. Analysis of Leo Couacaud. 273 According to the Royal Commissioners, it actually worked out that labourers were fined two days wages and one-fifth of a third day for every day they were marked as being illegally absent or sick.

274 See pages 323-324

#### Reference 320 - 0.01% Coverage

interpreted any number of ways.

283 Frere and Williamson, 1875,p.351. 284 Frere and Williamson, 1875,p.591. 285 These recommendations were legally enshrined in the Labour Ordinance of 1878. 286 Cited in Balfour, 1921, p.15. 287 In her later work, Carter (1994, 1995 states that a number of female indentured labourers were employed on a temporary basis or verbal contracts that

#### Reference 321 - 0.01% Coverage

rearing livestock for their families.

288 PRO: CO 167/283, Gomm to Grey, dt. 11 June 1847. 289 OIOC: L/PJ/6/79, File No 1285/1882. 290 Report of H.N.D. 7 June 1869 in PP C.151/1870. 291 Deposition of Manilal Doctor, Report of Royal Commission 1909, Pt II, Appendix B, pp.157-165. 292 Amit Mishra, Regulating the marriages among the indentured labourers and their descendants in Mauritius, p.32. 293 Ordinance 1908 - The Labour Law Amendment Ordinance 294 MNA: B2/IR Report of Mitchell on Wolmar estate/1872. 295 MNA: RA 561, letters concerning indenture Dr Steward to George F. Dick 14th Jan. 1837 "... A certain number of coolies on board the Letter from Rowlandson

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Multicultural Society, MGI, Mauritius, 2000, p.149; Kalla, C., 'A Review of the Schooling of Indian Labouring Class (1850-1900 in Mauritius' in Bissoondoyal, U., (ed. Indians Overseas: The Mauritian Experience, MGI, Mauritius, 1984. p.187.

301 Statement of Manilal Doctor

#### Reference 323 - 0.01% Coverage

in Manrakhan 1983:121-123).

346 Interview 09/278/01. 347 According to this report the dwellings of casual labourers were "either built by the management at some time in the past or built by the estate habitants, often with estate help. In many cases the management declined responsibility for the upkeep of such dwellings, on the grounds that the inhabitants were non-entitled and could leave if they wished".

348 The interviews also indicate

#### Reference 324 - 0.01% Coverage

only 5,908 were girls.

352 Benedict describes the family life of some wealthier small planters living in villages who derived a substantial proportion of their income from growing cane and were not required to sell their labour to make ends meet. According to Daniel North-Coombes (1987:9), however, a majority of small planters were not able to solely rely on this type of livelihood as their main source of income and worked as labourers on sugar estates at different times of the year.

353 According to the Balogh Commission's estimates of the Sugar Industry Labour Welfare Fund's accounts to the end of 1961, although it had amassed Rs 43 million from the annual levy on sugar exports to the United Kingdom and investments and rental fees, it only spent Rs 17 million of that amount on housing and community welfare programmes. Most of the difference, amounting to some Rs 25 million, had been invested in fixed-term deposits for 10 years.

354 Evidence of the presence of ankylostomiasis was recorded in Mauritius prior to Kendrick's report. But according to Balfour, it was only after advent of the use of microscopes to examine stool samples that it was possible to determine the true extent of infection rates. This raises an important question: was ankylostomiasis brought to Mauritius by slaves or indentured labourers? It could not have existed in Mauritius prior to human settlement, as it has evolved in symbiosis with human populations and cannot survive without a host to reproduce itself. And evidence indicates that of the two types of ankylostomiasis that exist, that is, *Necator americanus* and *Ancylostoma duodenale*, neither are found in Europe or colder regions of the world, as these parasites can only survive in tropical climates. It is most likely then that African or Indian slaves brought it to Mauritius or that it was brought by indentured labourers from India, Africa or China.

355 I was not able

#### Reference 325 - 0.01% Coverage

report (ARLD 1950:83-85).

359 See the amendment to the Regulation of Wages and Conditions of Employment Ordinance 1961, as enshrined in Government Notice No. 134 of 1973. This is despite the fact that the Annual Reports of the Labour Department and Ministry of Labour prior to 1973 indicate that women should be paid "equal wages for doing equal work" in their various labour ordinances.

360 Interview 09/234/01. 361 See amendments made to the Industrial Relations Act of 1973 and the Sugar Industry Regulations 1983. Certain categories of field labourers were in fact provided with protective clothing prior to 1973, but it was only after the ratification of the aforementioned laws that protective clothing was made available to all monthly and casual workers.

362 A review of the subsequent Annual Reports of the Labour Department shows that the number of work-related injuries recorded continued to steadily increase over the coming years, with the sugar industry consistently accounting for most of these work-related injuries, and as per usual the majority of injuries were of the sort described above. After 1975 however when employers were finally required by law to provide all monthly workers with protective clothing, one begins to discern a noticeable decrease in the number of work-related injuries of field labourers recorded in the Annual Reports of the Ministry of Labour and Industrial Relations as it had then become known by.

363 The informants' claims are lent further support by the other contraventions listed in the Annual Reports of the Labour Department and Ministry of Labour which include not only "[i]rregular keeping of account books", "[f]alse entries in books of accounts", "[j]ob contractors failing to provide weekly pay sheets", "[j]ob contractors failing to make entries in book", but also "[a]sking [workers] to do work over again after many days", "[u]sing false gaulette [or method of measurement]", "[d]educting fine from wages due for work", "[f]ailing to credit labourers with full amount of work done", and "[f]ailing to credit labourers with full amount of wages due".

364 After 1981, the Ministry of Labour stopped compiling and releasing annual reports so it is not possible to determine if these abuses have continued.

365 Interview 09/449/01

#### Reference 326 - 0.01% Coverage

##### OF TJC RESEARCH DATA INTRODUCTION

The Truth and Justice Commission came into operation since 20th March 2009. It aimed at assessing the consequences of slavery and indentured labour during the colonial period up to the present to make recommendations to the President of the Republic of Mauritius on measures to be taken to achieve social justice and national unity.

To achieve its objectives, the

#### Reference 327 - 0.01% Coverage

reasons why they were chosen.

During the mandate of the Truth and Justice Commission various investigations were undertaken and collection of data conducted with and about people using collecting oral testimonies and documentary information. The Commission gathered primary and secondary evidences enabling inquiries into slavery and indentured labour in Mauritius.

A responsible conduct of research

#### Reference 328 - 0.01% Coverage

##### DATA MANAGEMENT AND STORAGE INTRODUCTION

The Truth and Justice Commission came into operation since 20th March 2009. It aimed at assessing the consequences of slavery and indentured labour during the colonial period up to the present to make recommendations to the President of the Republic of Mauritius on measures to be taken to achieve social justice and national unity.

To achieve its objectives, the

#### Reference 329 - 0.01% Coverage

reasons why they were chosen.

During the Truth and Justice Commission mandate various investigations were undertaken and human research was conducted with and about people comprising of collecting oral testimonies and genealogical information including DNA consent. The Commission: (a) gathered primary and secondary evidences enabling inquiries into slavery and indentured labour in Mauritius; (b) determined appropriate measures to be extended to descendants of slaves and indentured labourers; (c) enquired into complaints of land dispossession and/or prescriptions given before the Commission and (d) submitted a comprehensive report of its activities and findings based on evidences gathered.

A responsible conduct of research

#### Reference 330 - 0.01% Coverage

To dislodge; (v)

To deprive.

The work undertaken by the Commission has been laborious, given the short span of time available to probe into more than 300 years of History since the first land grant (concession) was given officially in 1726 to Pierre Christophe Lenoir, a French colon, Director of Pondichéry. Moreover, the task was delicate as it concerned people who have a profound emotional attachment to land they believe they have lost. Working sessions with hundreds of persons from all walks of life, have aroused mixed feelings. People were led to believe that the Commission was a centre where they could be registered on a list to obtain compensation, either as descendants of slaves or indentured labourers; others firmly believed that the Commission was set up to help them recover plots of land which,

they felt, misappropriated.

The Commission

#### Reference 331 - 0.01% Coverage

##### ASPECTS BRIEF HISTORY OF LANDOWNERSHIP

The system of land grants, coupled with the forced labour easily acquired through slavery, are at the very heart of development and the creation of wealth across the island for those who were at the forefront of the development of the agricultural sector. The system consolidated itself between 1760 and 1810, when Mauritius under French rule gained prestige and wealth. The island's population increased and the planters grew rich. Agricultural prosperity was achieved mainly by an intensive exploitation of slave labour. Between 1767 and 1797, the population had increased to 59,000 inhabitants, including 6,200 whites, 3,700 free persons and 49,100 slaves. The population, in each category, more than doubled during the period. Port-Louis opened to free trade after the demise of the French East India Company saw a major increase in shipping, not only from Europe but also from North America. From 1786 to 1810, almost 600 ships from America called at

Mauritius

#### Reference 332 - 0.01% Coverage

5 years. The soldiers were encouraged to settle on the island, and the Company went to the extent of looking for suitable brides for them. Not only were marriage expenses paid, but soldiers were also given a dowry of 100 piastres. To create a pool of labourers, the Company engaged in slave trade.

Truth and Justice Commission 6

#### Reference 333 - 0.01% Coverage

Estate.

RIVIÈRE DU REMPART DISTRICT

Arriving from Saint-Omer, France, Jérôme Pilot, obtained a "concession" at Rivière-du-Rempart in 1774 to create what is known today as Mon Loisir. The land granted was situated in the middle of an estate of 875 Arpents, on which land his heirs built the Mon Loisir factory in 1820. The factory was made of "wood and not stone." Apart from human labour, donkeys and oxen were also used. Over the years, subsequent land purchases and several centralization processes transformed this sugar cultivation area into a very large estate. The most important land acquisition was that of Beau Séjour in 1947, with a centralized sugar factory at Mon Loisir.

SAVANNE DISTRICT

Following the same

#### Reference 334 - 0.01% Coverage

the land within 3 years.

These grants of large estates obviously accounted for the large number of sugar factories in the early times, each owner of a large area having his own factory to process his own crop. Due to economic reasons, the sugar plantations started to merge and consolidate with one another or to be parcelled out and sold to sugar labourers. As a result of those estates merging and being parcelled out, there are today (2011) only seven sugar estates, with large factories and a large number of sugar plantations.

THE LAND TRIBUNAL (TRIBUNAL TERRIER

#### Reference 335 - 0.01% Coverage

promising future for the colony.

Those migrants brought to the island were not motivated settlers or entrepreneurs, but soldiers, unskilled workers, tradesman, labourers, 'plus chasseurs qu'agriculteurs' and whose ambition and main concern were certainly not to be pioneers settlers or colonists. Most land allocated was left unattended. The few grants under cultivation yielded poor results.

After three years when Denyon

#### Reference 336 - 0.01% Coverage

no less than nine conditions.

The Grants System of Land Tenure was pivotal to the French colonisation policy. The institutional system has played a major role in shaping the colonial economy, exclusively agricultural, solidly anchored on cheap

labour procured by slavery. The scheme opened the way to an agricultural society and established the regime of plantation economy.

The philosophy behind this was

#### Reference 337 - 0.01% Coverage

des Indes' before its liquidation.

Many grants were not maintained or were poorly managed. This led the Crown to take severe action. It was enacted that on each grant of 156 ¼ arpents, a minimum labour force of 20 slaves was to be employed and at least 50 cattle reared. On double-size grants of 312½ arpents there should be 30 slaves and 80 cattle; while on each grant at a quadruple size of 625 arpents, 40 slaves should be employed and 120 cattle reared. After period of two years, to meet these conditions, fields not worked by the numbers of slaves or containing the prescribed cattle, were to be retrieved and annexed to the domain.

In 1767, Pierre Poivre was

#### Reference 338 - 0.01% Coverage

p. 148; RMD 1904-31.

Indian immigrants and their descendants gained access to land in other ways as well. The notarial records reveal that Old Immigrants began to lease land no later than 1850. While most of these early leases covered the use of one- or two-arpent plots for just a year or two, in some instances Old Immigrants rented substantial tracts of land for extended periods of time. In one of the earliest such transactions on record, Nayena, a labourer who had arrived during the immigration of 1834-38, secured the use of twenty-five arpents already planted in cane for four years for an annual rent of \$150.63 Other Old Immigrants, such as Mungroo, who held ticket no. 5324/54,248, were soon renting even larger properties for longer periods of time. When Marie and Clémence Morel came to terms with him in April 1859, Mungroo acquired the use of forty-nine arpents for nine

#### Reference 339 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

significant cash resources. The Annual Reports of the Government Savings Bank, established in 1837 to encourage "the lower classes of society" to engage in provident financial practices, reveal that the average value of an Indian laborer's savings account between 1851 and 1855 ranged from £18 to £21 (\$90 to \$105) a year and that the total value of such deposits by Indian labourers averaged £11,399 (\$56,995) a year during this period.<sup>67</sup> The fact that an average of 76 per cent of Indian immigrant non-morcellement land purchases between 1840 and 1889 entailed their paying the full purchase price at the time of the sale's formal completion, likewise, suggests that some immigrants had ready access to significant sums of cash, as does the fact that this payment-in-full rate rose to 87.8 per cent for morcellement plots acquired during the 1860s, 1870s, and 1880s.<sup>68</sup>

In other instances, the financing

#### Reference 340 - 0.01% Coverage



that the settlement of Indian

immigrants, who worked as labourers in Mauritius, has given rise to the class of small planters, known initially as 'Indian small planters'. The Wilberforce Report in 1913 indicated that there were around 7,500 Indian farmers and 19,720 independent planters. This was made possible through the parcelling of estate lands during the petit and grand morcellement systems. Through savings, purchasing land, cultivation of crops, some small planters even moved away from estates to towns and villages to settle down and have an independent life. As a result, at present, Mauritius has a total of 19,228 planters, out of whom more than 70% belong to the class of small planters. Thus, a majority of Mauritian planters are from the group of 'small planters'.

According to the MSIRI Report

#### Reference 341 - 0.01% Coverage

and diseases, the reduction of

centralisation of sugar factories, the lack of a labour force, the low payment for canes, and many other such problems.

In 2006, the Mauritian Government

#### Reference 342 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

According to R. Virasawmy in his 1984 paper, 'A form of Liberation', published in the book entitled Indian Overseas, compared to the 1870s, when land was not available to 'Indian immigrants', they moved on to a situation where they were given access to landownership. Thereafter, there was a new reversal trend where the labourers were part and parcel of the property-owning class in newlydeveloped villages outside estate boundaries.

Cane cultivation was practised as

#### Reference 343 - 0.01% Coverage

over 4 to 5 years.

In spite of these facilities of payment allowed to Indians, after the advent of parcelling system, they were severely affected, since there were also some constraints that led to an increase in the unemployment rate. The Report of Agrarian Reform 1979 revealed that although parcelling gave rise to small landowners, yet 50% of holdings were less than one arpent ( 0.4 hectare) which did not provide enough employment in fields. Thus landowners had to seek outside employment. Some very small planters supplemented their income by working as labourers and sirdars.

Table 4

Whole island %

Indian

#### Reference 344 - 0.01% Coverage

owner or throughintermediaries cane dealers.

The planters had doubts about the mill-owner's motivation, since the factory had crushed this cane variety for seventeen years which had passed without any grudges. Now, planters were facing problems due to the sugar level of this cane variety. Small planters understood that factory-owners wanted to discourage them from planting productive 'Uba' cane that could make 15 to 20 tons per acre. Moreover, the mill-owners did not want to give 2/3 sugar extracted to them. In such a tense situation, many small planters did not unload their trucks at the weighbridge. In addition, there was a lack of provision for checking the weight of canes brought by them to the weighbridge. Many strikers had also been killed by rifle-fire during this crisis; thus planters and labourers signed

Truth and Justice Commission 66

#### Reference 345 - 0.01% Coverage

##### World Wars I and II)

During World War I, in the presence of Governor of the Colony of Mauritius, Mr. Heskell Bell, sugar was sold at five times its usual value to England for about Rs. 240 million or £20,000,000. There were great changes and a development in the social life of people. Many of them were suddenly rich; the labourers had a good earning and spent usefully, while other labourers spent their money on liquor, such as rum (A. Toussaint, p. 214). Extra money from wages was used to buy plots of lands and cattle to become independent farmers and have some savings for the future. In addition, some labourers went to settle in towns and villages. Thus, arose a class of small planters among the labourers and descendants of labourers. Shortly after World War I, sugar prices fell; this practically ruined small Indian planters who lost their lands and had to look for other jobs. Some had to return to their old jobs in the fields of sugar estates. A few Indians managed to continue as small planters, although they had sustained great losses. (M. Varma, p. 220)

The Short History of Mauritius

#### Reference 346 - 0.01% Coverage

also applied to small planters.

##### Labour Crisis in 1970s

The 1970s were a crucial period when a real development was observed in the country. There was a growth in the economy, as well as industrial development and good financial returns. Around 1974, after the establishment of Sugar Planters Mechanical Pool (SPMPC), many planters, including small planters, took advantage of the introduction of the derocking of sugarcane fields, through mechanical services. At the same time, many sugar estates increased their use of mechanisation by buying cane harvesters. There were an increase in absenteeism among labourers (greater than 20%) and a shortage of people moving for other employment opportunities such as Export Processing Zone. (SPES, 1991). Among small planters, many left their agricultural lands to work in the industrial sector for a greater income.

TREND OF SUGAR CULTIVATION BY

#### Reference 347 - 0.01% Coverage

##### SUGAR CULTIVATION BY SMALL PLANTERS

The total area under cane occupied by small sugarcane cultivators has dropped, constantly from 42,000 hectares in 1962 to 35,000 hectares in 1982. The textile sector developed fast during the 1980s. There was also a drastic decrease in the amount of sugar produced from 685,900 tonnes in 1964 to 470,895 tonnes in

2009. This drop was caused by a reduction in the price of sugar, a shortage of labour, the high cost of production, the high cost of fertilizers and the development of economy of Mauritius.

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#### Reference 348 - 0.01% Coverage

the permanent employment.” (Manrakhan, 1984)

Dharmadeho Chacoory was a carpenter by profession, and occupied a small plot of land, planting vegetables for his own family’s consumptions. The grandfather, Mr. Beeharry, was also commonly known as ‘chacha Beeharry’ by local people. He used to work as a labourer, as well as a “typical small planter” in his own land and most of the time in the past; he transported sugarcane in his own cart to the sugar mill from his childhood until the 1980s.

There were very few people

#### Reference 349 - 0.01% Coverage

yielding crops in sugarcane fields;

- Small planters can themselves become contractors of labourer to outsource labourers for plantations in cane fields;
- Through proper training by MSIRI

#### Reference 350 - 0.01% Coverage

under good norms and conditions.

•

However, if sugar prices and cost of the labour force are low, small planters could develop a new business with dried sugarcane leaves which could be used as decoration for roof ceilings purposes in hotels.

•

Alternative cropping system could be

#### Reference 351 - 0.01% Coverage

roof ceilings purposes in hotels.

•

Alternative cropping system could be implemented in the Sugar Industry. For e.g. peji-baye (Bactris gasipaes) palm cabbage production and pitaya. Peji-baye is well adapted to the superhumid zone. There is no risk of pest and diseases. Thus, there is no requirement of pesticides. In due course, if a suitable cover crop can be found to obviate the need for herbicides, organic production could be attempted. The palm cabbage quality is excellent. Since it does not oxidize, it lends itself to packaging for the convenience of supermarket customers. Small sugarcane growers could benefit from these alternative crops. According to R. Ramasawmy in his Report in 2006, “Pitaya is undoubtedly an excellent candidate alternative crop. The only major risk is that of saturating the domestic market. This implies checking the export market right away and looking for ways to extend the production season. Pitaya has a few very high peak labour demands for cross-pollination every year. In addition, few small-scale cane growers have experience with the

management of alternative crops and, consequently, the management requirements should also be considered in the business plans.”

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#### Reference 352 - 0.01% Coverage

Coombes has further refined this

definition for Mauritius. For him, métayers were estate labourers who were provided with a plot of land on the sugar estate where they resided, with the clear agreement that they would grow sugar cane for delivery to the estate factory. They did not pay any type of rent money for the estate land where they grew the sugar cane, “but they received less than the ruling market rate for the cane supplied, which was equivalent to payment of a concealed ground rent in kind.”

86 2. HISTORY OF MÉTAYAGE

#### Reference 353 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

“I find very few of the emancipated population have returned to sugar cultivation, but it is not true, as was represented to me in England, that they were in a state of vagrancy and idleness, committing thefts throughout the island. They labour sufficiently either for themselves or others for subsistence and are a quiet, and content, people.”

88

Small-scale métayage seemed

#### Reference 354 - 0.01% Coverage

the métayage system in Mauritius,  
in order 89 to deal with problems of labour  
shortage. The first record of

#### Reference 355 - 0.01% Coverage

39,000 in 1843-1844,

the demand for increased [...]” 90 There was thus also a good market skilled labour, for garden produce for vegetable produce. The Colonial

Government, however, viewed this system

#### Reference 356 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

“But, the object of Government must steadily be, to secure the Indian Labourers from ignorantly acquiescing in any speculative arrangements or binding themselves to any contracts, for the breach of which by the employers owing to whatever causes, they are not provided with a remedy at law”.

He continued: "The system appears

#### Reference 357 - 0.01% Coverage

not so advantageously situated."

96

Although this first experiment with métayage failed, as the labourers returned to India, other estates preferred to try it with Indian labourers rather than with ex-apprentices.

An intimate economic relationship developed

#### Reference 358 - 0.01% Coverage

it was not necessarily an

equal relationship. It was seen as a strategy used by the estate owners in order to secure "labour near the estate and to put marginal

difficulties of irrigation, inaccessibility, or

#### Reference 359 - 0.01% Coverage

cane on such land."

100

Although unequal, this system allowed indentured labourers and Old Immigrants to "obtain" land for sugar cane cultivation.

101

begin the long, complex

#### Reference 360 - 0.01% Coverage

purchase of his sugar cane.

According to Alfred North-Coombes, "at the same time there was considerable competition for labourers between the various estates. In order to encourage a man and his family to work on an estate, they were often attracted by the loan of some land which, however, had to be cultivated in cane. Some financial help, by way of a loan on the future crop, was also given for the 'mise en valeur' of the land."

105 usually a select group

#### Reference 361 - 0.01% Coverage

them for several years. 107

Benedict indicates: "Estate owners often loaned trusted employees small plots of cane land on the estate to cultivate. One of the motives was to keep the labourers, nearing the end of their contracts, attached to the estate".

th By the mid-20

#### Reference 362 - 0.01% Coverage

sugar museum.

lived on his

Apart from the exploitation of sugar to reap large sums of money, slave labour was also utilised in industrial development, as at the "Forges de Mon Désir", created in 1745 under the Governorship of Mahé de Labourdonnais. Gilles Hermans associated himself with the Comte Philippe de Rostaing to create the "Forges de Mon Désir" which specialised in iron smelting:

"C'est, en effet, en 1745

#### Reference 363 - 0.01% Coverage

##### FROM SUGAR TO ECONOMIC DIVERSIFICATION

Throughout Mauritian History, the sugar magnates, having acquired large "grants", set up large conglomerates, obtained a cheap labour force to create their wealth. Solitude Sugar Estate was one of the three sugar factories which belonged to the Society Harel Frères Limited. Auguste Dioré was the first owner between 1838 and 1839. He sold 406 acres of land to Jean Baptiste d'Agnel in 1857. Since that time, the land changed hands and increased in acreage several times. The annexation of adjoining lands, resulting from the closing down of factories, increased considerably the factory area of the sugar mill as was the case in other parts of the island.

Other important mergers in that

#### Reference 364 - 0.01% Coverage

ago which, once, was the

island's only commodity and one of the main export earners, generating millions of rupees, being the basis of the creation and modernization of the island, has turned sour. After the first sugar mill had been set up at Villebague in 1745, Colonial Powers, France and then Great Britain, used the slave trade and the indentured labour system to expand and consolidate the industry. At its peak, there were 259 sugar mills in 1838 in Mauritius. Sugar was traded under different Protocols, the main ones being the Commonwealth Sugar Agreement of 1951 and the Sugar Protocol of 1975. Mauritius made constant efforts to improve and maintain the economic viability of this industry which was the very lifeblood of the economy. The Cotonou Agreement was signed in 2000 for 20 years. For many years, the island benefited from a high price for sugar under the preferential trade arrangements with Europe. At one time, the price for Mauritian sugar was three times higher than the price of sugar on the world market. The revenue was used to diversify the Mauritian economy.

Truth and Justice Commission 84

#### Reference 365 - 0.01% Coverage

30/63-65/28-65.

85 Roland Lamusse, 'Labour Policy in the Plantation Island' World Development, Volume 8 (1980), p.1041

86 Daniel North-Coombes,

'Struggles in the Cane Fields

#### Reference 366 - 0.01% Coverage

Moka, Mauritius, 1984),p. 361.

104 D.North-Coombes, "Indentured Labour and Capitalist Transformation: The Genesis and Evolution of the Natal Sugar Industry with some References to the Case of Mauritius" p. 52.

105 Alfred North Coombes, A

#### Reference 367 - 0.01% Coverage

land situated at Nouvelle Découverte.

In December 1993, the new house was pulled down by labourers, leaving the personal belongings of the family in the open air. Her family took refuge in the nearby Social Centre.

An analysis of the case

#### Reference 368 - 0.01% Coverage

No.

Name of Applicant 1

Mrs Ww.Marie Raymonde Roussety ( Born Labour )

2 Doreston Roussety 3 Sylvio

#### Reference 369 - 0.01% Coverage

their natural right to property.

After abolition of slavery, the colonial land policies were geared to ensuring that a sufficient pool of labour was available for sugar production. In his circular of 31st January 1836, to the Governors of the British Colony, Lord Glenelg underlined that "precautionary measures "were required " to prevent the occupation of any Crown lands by persons not possessing a proprietary title to them; and to fix such a price upon all Crown lands as may place them out of reach of persons without capital".

The need to produce exportable

#### Reference 370 - 0.01% Coverage

occurred between 1853 and 1875.

Massive importation of indentured labourers and enormous pressure on land also during this period was put; and particularly of the forest areas which was reduced from 55 000 hectares to 33 000 hectares. Older coastal plantations on the west coast were abandoned in favour of

interior

plantations situated in upper

#### Reference 371 - 0.01% Coverage

and have observed gross inconsistencies.

Augustin Gateau, as referred to in Case 1 and in Case 3 is two distinct persons. The one referred to in the deed drawn up on 13th March 1973 referred to Augustin Gateau as "labourer" residing at Réservoir Road, Goodlands; whereas the Augustin Gateau referred to in the deed on 22nd October 1846 is a "cultivateur" residing at Pamplémousses.

At marriage entry at Document

#### Reference 372 - 0.01% Coverage

L/0146/JOSEPH MARIE ROLANDE

Marie Rolande Joseph writes that her great-great-grandfather came to Mauritius as an Indian Indentured labourer, and was registered as Auchombit No. 272742. Her grandfather was Sawdaghar Auchombit who, after his death,

left

child, her parents went

#### Reference 373 - 0.01% Coverage

to legal papers Louis Rolland

Auchombit, the son, was the applicant's great-great-grandfather, owned a plot of land of 1 Arpents 17 perches at Nouvelle Découverte. Her father told her that there was a well on that land from which the indentured labourers used to fetch water. land.

The applicant came to the

#### Reference 374 - 0.01% Coverage

invited for a working session.

The applicant explained that he was working for the "Keep Clean Company" when the company for various reasons which the Director of the said company will have to explain to the Labour Office, he had not received his wages / salaries from his employer.

Neerunjun could not pay the

#### Reference 375 - 0.01% Coverage

property at the Master's court.

The Neerunjun family has already lodged a complaint with the labour office concerning the nonpayment of his wages/salaries and the case had been lodged in Court. This illustrates the difficulties that most small workers encounter and how they may easily lose everything: land, houses, properties.

\*\*\*\*\* Truth and Justice Commission 262

#### Reference 376 - 0.01% Coverage



had existed under French Administration.

The first 50 years of British rule brought about an irreversible situation - with the setting up of more than 300 sugar factories - whereby large extents of native forests had to be cleared, which resulted in important socio-economic changes: the development of the harbour and opening of trade facilities, the start of indentured immigration, the increase labour requirements, the creation of the Chamber of Agriculture in 1853,

followed by the establishment and

#### Reference 377 - 0.01% Coverage

150 lease-holders at Midlands.

Other areas in the Midlands valley were devoted to tea cultivation, namely at Rivière-du-Bois, La Pipe, Canelière and Vuillemin, totaling around 2,700 arpents. Former labourers, engaged in the cultivation of tea plots, working in the Tea Division of the Ministry of Agriculture, were allocated on a priority basis to such tea plots and operated under the ambit of the Tea Credit and Marketing Cooperative Societies.

The project which, by the

#### Reference 378 - 0.01% Coverage

one to advise them as

indentured labourers had. The French colonists educated the children they had with slaves but there were barriers between those categories of descendants. They are not liberated at 100% today. There are not enough advisors today. I have three children. I want to advise them for a job. Who will I turn to know about that? How to help orientate them professionally? Creoles that have succeeded do not help others. Other communities do that". – (R9);

• •

"Poverty is a consequence of

#### Reference 379 - 0.01% Coverage

whatever successes you have". - (R14)

- "Slavery is not the same as indentured labour – slaves did not have a salary – he has been snatched from his country and brought here". - (R16)

•

"Long ago, we accepted totally

#### Reference 380 - 0.01% Coverage

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#### Reference 381 - 0.01% Coverage

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119.

9. Toussaint. A. 1949

#### Reference 382 - 0.01% Coverage

Commissioners acted as Team Leaders.

The most important set of studies for the Commission has been those which directly examined the situation of 'descendants' of slaves and indentured labourers and which sought their views. However, it was important also to study descendants of slave owners as well, since slavery is both about slaves and slave owners. Among descendants of slave and indentured labourers, métissage has led to difficulties in identifying who were descendants, and it is clear in Mauritius, that phenotype is the popular delimiting factor in deciding who may be a descendant of a slave or indentured labourer. Yet these stereotypes are not only misleading but dangerous and need to be vigorously corrected. Not all 'blan' (white) are descendants of slave owners, as not all those with an African phenotype are descendants of slaves, and not all Indians were indentured labourers. For the population of mixed origins, we have used the term 'gens de couleur' to refer to descendants of the following relationships: a) whites and Afro-Malagasy and b) whites and any other group. These represent also persons of a higher social class.

It is, above all, the

#### Reference 383 - 0.01% Coverage

of inverse and adverse racism

B. Contributions of slaves and their descendants to the economic, political, social and cultural life of Mauritius  
C. Perceptions of slavery and its consequences  
D. Perceptions of descendants of slaves and indentured labourers  
E. Life histories of the individuals, their parents and grandparents

F. Particular constraining experiences of

#### Reference 384 - 0.01% Coverage

OF SLAVES 1.LIFE HISTORIES

PORT LOUIS NORTH AND SOUTH R1-R4 – Most of the respondents worked at two or three jobs at the same time. The women could be housemaids, social workers, women labourers etc. For the men-folk, too, working

at two jobs simultaneously is not rare. The most common jobs are manual work; tailor, blacksmith, carpenter, charcoal maker, docker, sugar cane labourer. The grandparents had been labourers, stockbreeders, etc.

R5 Retired; had worked at

#### Reference 385 - 0.01% Coverage

come from working-class families.

Most of them are still masons, labourers, cane cutters, worked in CHA, 4 jours à Paris, femme de ménage (maids), security-officers, plumbers, electricians, sewerage-worker, cleaners, toilet cleaners, and a few now have other jobs (teachers, foremen, financial officers, civil servants, nursing officers, musicians). Men have done many jobs: worked in Moulin goni (sack factory), were coffin-makers, iron-maker apprentices, painters, mechanics, cooks, laboratory attendants. Some of them have done dangerous jobs (for example with chemicals in paint industry etc. without protection). One of the respondents said he illegally made tilambic to sell to have a few rupees to feed his children.

All of them – men as well as women - have done different jobs, mostly because they were not employed on a regularly basis, but on a seasonal basis especially those who worked as labourers or kouper kann in the sugar-cane estates. They have not known security of employment.

Truth and Justice Commission 7

#### Reference 386 - 0.01% Coverage

towns.

#### UPPER PLAINES WILHEMS FINDINGS

All of the respondents, coming from working-class background had worked at several jobs like masons, painters, mechanics, carpenters, labourers, tailors, attendants, blacksmiths, woodcutters, drivers, cabinet-makers for the men.

It is interesting to note

#### Reference 387 - 0.01% Coverage

even those who were civil

servants had another parallel job (R21, R28). The women, for the most, were and some are still are housemaids, nurses, cooks, women labourers.

All had known poverty and

#### Reference 388 - 0.01% Coverage

#### AND GRAND-PORT DISTRICTS) FINDINGS

All the respondents come from a working-class background and have done more than many jobs in their lives. The occupations vary from drivers, fishermen, masons, brick-layers, tailleurs-roche, labourers, tailors, maids, wood-cutters, carpenters, gardeners, civil servants, plumbers, electricians, etc. Most of the jobs were manual and physically very exhausting ones.

For those who have not

#### Reference 389 - 0.01% Coverage

worked at several jobs. The

occupations vary from drivers, fishermen, masons, brick-layers, tailleurs roche, labourers, tailors, wood-cutters, carpenters, gardeners, civil servants, plumbers, electricians, etc. for the men. Women used to cumulate jobs (maids, field-workers, cleaners, cane-cutters, etc.) housemaids, nurses, cooks, women labourers. All had known poverty and had often taken parallel jobs to survive. They had thus never known job security for the work was seasonal. Life was not, or could simply not be, planned as families had to struggle for food.

Their outlook on the past

#### Reference 390 - 0.01% Coverage

kouma enn esklav».

Other occupations

Seamstress, cabinetmaker, joiner, labourer, mason, woodcutter, bus-driver, sacristan, railwayman, cook, at making vacoas bags and mats.

If many had lived in

#### Reference 391 - 0.01% Coverage

oral transmission of family origins.

The parents were metal workers, labourers, wood cutters, fishermen, 'toiler', 'chaudronnier', drivers, masons, stone cutters, seasonal workers on sugar estates. Women were maids, housewives (but often seasonal workers). Many worked for the whites and the respondents remember their dominant attitude.

For the respondents, the lives

#### Reference 392 - 0.01% Coverage

related to their grandparent's hardships.

R1 "My father's name was Laval Jacksony. My mother's name was Simone Tuyau and is 81 years old. My great grandfather came to live in Lallmatie. Before that he was in th'to work of the Sans Souci Sugar estate. He was a slave of the British. He got married in Mauritius. My grandfather became an "engagé"(indentured labourer). He was doing the "Kalipa" ( a fight like judo) without any money in return. My father was a planter. He was growing manioc, peanuts and manioc to sell. This is how he fed his eleven children."

R3 "My grandmother came from

#### Reference 393 - 0.01% Coverage

cousins (Germain) in Rose Hill."

R11 "My grandparents had their own land. You know, formerly people did not live a luxurious life. They were growing sugarcane and vegetables. When, these were not available, they use to work for others as labourers".

Reference 394 - 0.01% Coverage

the origins of his ancestors.

None of the respondents are aware that slaves have ever come from India. Very often they tend to mix up slavery and "coolie", i.e, indentured labourers.

For some respondents, being Creole

Reference 395 - 0.01% Coverage

to Mauritius as a slave.

None of the respondents are aware that slaves have ever come from India. Some tend to mix up slavery and "coolie", i.e., indentured labourers. Some indicate that one of their ancestors came from India. The correlation between Creoles and slave descent clearly transpires in the interviews. But the definition of Creole diverged. For some Creoles are descendant of slaves and are of African descent; the Blacks with frizzy hair are the real descendant of slaves.

Poverty is another crucial factor

Reference 396 - 0.01% Coverage

dépendances. Women were housemaids, «nenenn».

The other jobs: Seamstress, cabinetmaker, joiner, labourer, mason, woodcutter, bus driver, sacristain, railwayman, cook, vacoas bag and mat maker. The parents were metal workers, labourers, wood cutters, fishermen, 'toiler', 'chaudronnier', drivers, masons, stone cutters, seasonal workers on sugar estates. Women were maids, housewives (but often seasonal workers). Many worked for the whites and the respondents remember their dominant attitude.

The parents were metal workers, labourers, wood cutters, fishermen, 'toiler', 'chaudronnier', drivers, masons, stone cutters, seasonal workers on sugar estates. Women were maids, housewives (but often seasonal workers). Many worked for the whites and the respondents remember their dominant attitude.

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Reference 397 - 0.01% Coverage

AND RIVIÈRE DU REMPART DISTRICTS)

In line with the testimonies, the slaves were people that were not paid for their labour, they had no rights and did not consent to come to Mauritius. They slept in common sheds on straw mattresses. They were ill-treated as stated by Joseph, they were treated like animals, enchained and whipped.

It transpired from the testimonies

Reference 398 - 0.01% Coverage

many people on the list.

R9 Slavery had an impact on us. This is the history of my ancestors, they were living in their country, they worked, risked their lives, fought, lost their loved ones. To be healed from that, it needs time. They liberated themselves, created their language, and invented their music to fight the harshness of life. Sega is the intelligence and sweat of our ancestors to regroup and express the hardships of life. Their descendants still suffer from these wounds. They had no one to advise them as indentured labourers had. The French colonists educated the children they had with slaves but there were barriers between those categories of descendants. They are not liberated at 100% today. There are not enough advisors today. I have three children. I want to advise them for a job. Who will I turn to to know about that? How to help orientate them professionally? Creoles that have succeeded don't help others. Other communities do that.

R12 and R13: Poverty is

#### Reference 399 - 0.01% Coverage

that is evil with blackness.

R16 Slavery is not the same as indentured labour – slaves did not have a salary – he has been snatched from his country and brought here.

R8 "Long ago, we accepted

#### Reference 400 - 0.01% Coverage

the slave and colonial system.

Slavery as a holistic system with a strong economic dimension must be treated in a different way than indentured labour to do justice to those who suffered from both systems.

WEST AND SOUTH WEST (BLACK

#### Reference 401 - 0.01% Coverage

not regroup but were divided.

Moreover, based on R15 testimony, there is a generational transmission of jobs which is as well a legacy of slavery. The Indian indentured labourers did not come as slaves but to cultivate land and subsequently their descendants remained in agriculture while the Blacks work mainly in the construction industry as labourers and stone masons.

'...Et plus de Créoles, de

#### Reference 402 - 0.01% Coverage

think a lot.

POLITICAL CONTRIBUTION

R14 Creoles are despised because they voted against Independence but this must be analysed in context. The Labour Party was founded by slave descendants. My father was member of the Labour Party. Because of the struggle of port workers, social and work laws have progressed. In Free Zone and tourism, black women were called "p" because they dared to work in these sectors.

Generally few respondents have a

#### Reference 403 - 0.01% Coverage

##### HISTORY OF DESCENDANTS OF SLAVES

such as stone cutters, charcoal makers, sugar cane labourers and wood cutters. In people's collective memory, the architectural patrimony dating back to the French and English colonial periods are legacies of the slaves as for them the legacy of slaves and of slavery are same.

'....Zot '....Zot inn travay bokou

#### Reference 404 - 0.01% Coverage

life of the island only.

The responses to the questions on the participation of slaves and slave descendants to the economic, social, cultural and political development of Mauritius indicated that for people these spheres are not interconnected but rather distinct and isolated. Only some informants mentioned that the slave descendants contribute to the economic development of the country by working in the sugar industry as skilled workers and labourers and that the Mauritian culture underpins the development of the tourism industry.

Another contribution of the slaves

#### Reference 405 - 0.01% Coverage

topics concerning contribution of slaves.

Slavery is seen more in terms of suffering and forced labour than in terms of positive contribution to the nation.

There is deep ignorance of

#### Reference 406 - 0.01% Coverage

very little to refer to

It would be tedious to make a list of the enormous contribution in terms of labour force of slaves and slaves' descendants/Creoles. In the plantation sector, in sugar cane estates and textile and other factories (sack). In Free Zone and tourism. Listening to their life history would be enough.

The economic contribution is tremendous

#### Reference 407 - 0.01% Coverage

and still contribute a lot.

In the political sector, Creoles are despised because they voted against Independence but this must be analysed in context. The Labour Party was founded by slave descendants. Because of the struggle of port workers, social and work laws have progressed. Almost all the people mentioned the need to have a Creole at policy making level, in other words to have a representative at national decision making levels for the advancement of the Creoles. For them, as long as they are under-represented in key and influential political positions, the Creoles will stay backward and underprivileged. This conveys the commonly held idea that

above all politicians stand for their ethnic group and hence that they promote their community interest before that of their political party. Politically, they feel the Creoles are not represented.

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#### Reference 408 - 0.01% Coverage

as he is a driver.

4. Very few know the word 'indentured labourer'. However they know the «coolie». For R23, «travayer angaze pa ti esklav». Indentured labourers were not slaves For R27, «azordi zot desandan minis, avoka. Zot, zot finn bien larg lasenn». Today their descendants are ministers. They've broken their chains all too well.

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#### Reference 409 - 0.01% Coverage

of poverty.

Racism and communalism

R3 – R4 worked as lab attendant and was paid as a labourer, was nominated at the eve of his retirement. His brother in the police force was never nominated and went to Australia.)

R10 Racism among Creoles (class

#### Reference 410 - 0.01% Coverage

the perspective of the slaves.

Daniel and Harvey two entrepreneurs in the construction industry highlighted that Mauritius has a high level of unemployment but we import labour not because Mauritians refuse to work or are lazy but because they refuse to return to slavery.

The government refuses to increase

#### Reference 411 - 0.01% Coverage

RIVIÈRE DU REMPART DISTRICTS) FINDINGS

1. For generations R1 family has been working for a sugar estate located in the north of the island. Her maternal grandmother and her great grandfather on her father's side and her mother were sirdars (English. Translation: overseer). She explained that the sardars were Creoles and Indians (referring to IndoMauritians) while the colomb (Eng. Trans.: overseer) were the Whites or Mulattos that were the proprietors of the estate. She testified that during her grandmother's period, the supervisors used to give instructions to the sardar to beat the labourers but when her mother was a sirdarine (Eng. Trans. Female overseer) they did not ill-treat the labourers. Her parents also told her that her great grandfather's supervisor beat him to death and to buy his silence the colomb gave him a plot of land on which her cousins are living now.

2. When questioned on the

#### Reference 412 - 0.01% Coverage



settle or purchase land'.<sup>8</sup>

With the arrival of the Indian indentured labourers, the local demography changed (Table 1). Table 1  
Population in Black River District

#### Reference 413 - 0.01% Coverage

##### cso/ 4.4 ETHNIC RELATIONSHIPS

Although Cité La Mivoie is perceived as a homogenous egalitarian Creole Cité or as a Creole traditional fishing village, yet it is a heterogeneous housing estate with residents of other religioethnic groups living there. Among the residents there are many descendants of indentured labourers of Indian origin, particularly of Marathi origin, commonly referred to as Bombay as illustrated in Tables 2 and 3 respectively. In contemporary Black River, this

#### Reference 414 - 0.01% Coverage

in majority in the region.

The housing estate has evolved from a traditional fishing village to a complex Cité with internal cleavages caused by differential positions in the labour market. It is stratified along econo-ethno lines and internal econo-ethno stratification often leads to ethnic tensions.

Inter-ethnic relationships

Despite overt

#### Reference 415 - 0.01% Coverage

achievers and have better jobs.

'...Donk la mazorite klas sosyal bisin dir nou ena blan avek indyen. Zot klas sosyal ot konpare ek mem, la plipar anfin isi mem bann sinwa ki reste isi se bann klas byen ot mem me kom mazorite nou ena abitan Kreol kom bann indyen ek bann blan me mazorite se trwa kar banla ki okip ot mazorite sosyal... Bann kreol tou le tan zot retrouv zot dan bann ba, bann plas tou le tan ba. Kom si bizin dir tou move kitsoz se Kreol mem ki ladan...Ban blan boukou biro ek bann indou, bann indien plito dan bann plas gouvernman, komersan ek kreol se tou le tan bonn a tou fer ou byen maxi clean ou byen peser. Avan kan ti ena kann, ti ena enn ti pe labourer...byen souvan de fwa bann blan ena plis soz ki, ki nou. Ena fwa avan zot pran nou kas an konsiderasyon, si enn blan li, li pou pas kouma mo pou dir ou li pu pran enn tret enn problem mazer me si li enn kote blan so problem pou fini resoud tou de swit ki enn kreol li pou kapav pran de lane ou kan le problem inn fini, kouma dir li aprofondi, li fini net lera zot pou pran sa an konsiderasyon...'41

(Eng. trans:...Thus the main social classes there are whites and Indians. Their social class is high compared and most Chinese that live here their social class is high but since the inhabitants are mostly Creoles Indians and whites these three mostly the latter have mostly high social class...the Creoles are always low, they always find themselves in low positions. As if we have to say Creoles find themselves in bad things...Many whites (work) in offices and the Hindus, the Indians in government, shopkeepers and the Creoles it's always been housemaids or maxi clean<sup>42</sup> or fishermen. Before when there were sugar canes there were some labourers...often whites have more (privileges) than us. Sometimes before taking our cases into consideration, if a white he will, how to say that he will, his (case) will be a prime problem, the white his problem will be solved immediately than the Creole, (the Creole) he can wait years or when the problem has already been solved, let say sorted out and solved then they will take it into consideration...)

These segregationist perceptions show the

#### Reference 416 - 0.01% Coverage

and in relation to men.

However, considering that slave women constituted the main source of unskilled and menial labour whereas slave men performed skilled work<sup>60</sup>, the shift in job patterns with women nowadays being rather blue-collar workers and skilled workers indicate that women have been able to make use of the opportunities of post-slavery for economic advancement. (See Economic Survey Chapter)

#### 4.6 SETTLEMENT

The villages

#### Reference 417 - 0.01% Coverage

family' crossing religio-ethnic barriers.

The Labour Ordinance of 1922 provided that estate owners had to provide housing facilities to the labourers employed on estates. In keeping with the testimonies, this practice continued beyond the the abolition of the indenture system in and were incentives for people from neighbouring regions such as a Cascavelle and Henrietta and sometimes as far as urban regions to come and work for the estates. The main incentives mentioned in the interviews were wood to construct houses, plot of land to farm and the possibility to have their own gardens for subsistence.

From the oral testimonies gathered

#### Reference 418 - 0.01% Coverage

Quan (2006, p.3) stated:

...Land is a capital asset offering opportunities for social and economic empowerment and thereby a springboard from which to escape from poverty. Secure rights to land are a basis for shelter, for access to services and for civic and political participation; they can also provide a source of financial security furnishing collateral to raise credit, as a transferable asset which can be sold, rented out... mortgaged, loaned or bequeathed. Moreover secure access to land creates incentives for the user to invest labour and other resources in it so as to maintain its value and sustain its productivity, and allow the user access to social and economic development opportunities.

In line with Carter (cited

#### Reference 419 - 0.01% Coverage

adequate attention from their parents.

Child Labour

Despite the Labour Act of 1975 which prohibits child labour, it continues to be a problem with the Cité children starting to work at a young age. However, this problem is not peculiar to Black River as it is widespread in the island.<sup>119</sup>

Child Labour is also prohibited under the Child Protection Act of 1998 but since the children in the Cité often drop-out of school before the age of 16, they enter the labour market while at the same time acquiring their skills from their parents through informal education.

Based on the writings of Teelock (1998, p.182), Mauritian society and economy were developed on partly on the exploitation of children that was inherent to the slave system. The slave children were denied 'childhood' and 'although parents tried to limit their children's participation in hard physical labour, child labour was widely practised.'

Child labour was perpetuated under the indenture system and in post-slavery and post-indenture Mauritius. Children continued to constitute a ready pool of labourers working as poultry keeper, cattle herder, bird chaser, weeds picker and performing other menial jobs. A gender dimension was identified in the distribution of work; boys were working in the fields while girls were performing domestic works. Until now children remain vulnerable to child labour and exploitation.

Truth and Justice Commission 142

#### Reference 420 - 0.01% Coverage

converted into a residential area.

Some of local residents such as Nicole and Marjorie<sup>138</sup> used to work as labourers in this saltpan. Long ago, working conditions were harsh and even inhumane.

The kolom (Eng. trans. The supervisor) that often was a Creole dominated them and abused the labourers. This unequal power relationship and the constant abuse of power, led to a lack of solidarity amongst the salt-pan workers.

Photo 36 Salin Carlos Source

#### Reference 421 - 0.01% Coverage

PH 34/P/LaMivoie/12May2010

For example, Nicole testified that when she fought for their labour rights to be respected and for the improvement of their working conditions, as a reprisal, she was forced to work from nine in the morning until four in the evening. Nevertheless, following her claims, the trade union lobbied for more humane working conditions for the salt-pan labourers and now, they have to wear boots and gloves and the weight of the baskets are regulated.

Truth and Justice Commission 158

#### Reference 422 - 0.01% Coverage

owners of the luxury residences.

Most residents work as paid domestic workers, boat skippers, builders, gardeners, labourers and fishermen. Few people work in the white-collar sector as salespersons, cashiers and office workers. Only three people were identified as being office workers, Jasmine used to work as secretary and now she works as manager of the Ecole des Techniciennes de Maison. The son of Devi works as accountant for a private company and another Indo-Mauritian respondent works as clerk.

Based on the genealogy trees

Reference 423 - 0.01% Coverage

in Charts 11 and 12 .

Chart 11 Family Tree of Marie Suzanne Jean Pierre and Occupation Patterns Truth and Justice Commission  
160 Labourer

Joseph (Talbo) GENTIL

Labourer 62

Reference 424 - 0.01% Coverage

160 Labourer

Joseph (Talbo) GENTIL

Labourer 62

Marie Suzanne

(Mime) JEAN PIERRE

Reference 425 - 0.01% Coverage

Gabriel August and Occupation Patterns

Chart 12 illustrates that employment patterns in Cité La Mivoie did not really evolve since 1960, as there is an intergenerational transmission of low paid jobs in most of the families living in the housing estate. This transmission of low paid jobs can be explained by the fact that people access jobs based on their family background, educational levels and labour market demands.

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Reference 426 - 0.01% Coverage

Truth and Justice Commission 161

Labourer at Moulin Lalwes Louis

Maid Gabriel AUGUSTE

Marie Rita

Reference 427 - 0.01% Coverage

Calling Marie

60 Vaillette DOORGACHAND

Labourer at Les Salines de Ravel 54

Marie Louise AUGUSTE

Cook at

Reference 428 - 0.01% Coverage

Celerine AUGUSTE

Pascal Louis  
AUGUSTE  
**Labourer 33**  
AUGUSTE 30  
Labourer Gerald  
Gardener

**Reference 429 - 0.01% Coverage**

AUGUSTE  
Labourer 33  
AUGUSTE 30  
**Labourer Gerald**  
Gardener  
Herino AUGUSTE 34  
Carpenter

**Reference 430 - 0.01% Coverage**

No Calling Marie  
Arianne AUGUSTE  
**Labourer 56**  
Fisherman Jean  
Bernard RABOT  
Louis

**Reference 431 - 0.01% Coverage**

Marie Lisette  
AUGUSTE  
Mason 51  
**Labourer 33**  
Jean Bernard Michael RABOT  
Jerome

**Reference 432 - 0.01% Coverage**

Zako Konde) LAHACHE  
LAHACHE 34  
**Labourer Belinda**  
Mason 32  
Jean Michel "Bayounn

Reference 433 - 0.01% Coverage

32

Jean Michel "Bayounn"

LAHACHE

**Labourer Micheal**

32 Belinda "Abdool" LAHACHE

Armandine

Reference 434 - 0.01% Coverage

Mason 26

Miciano "Tinín"

LAHACHE

**Labourer Jean**

29

Kursley AUGUSTE

Juliana (Fie

Reference 435 - 0.01% Coverage

Marcesse AUGUSTE

Louis James

CAPRICE

**Labourer at Les Salines Carlos 46**

Marie Claire

AUGUSTE

CAPRICE 22

Reference 436 - 0.01% Coverage

Albert and Jenilo Albert also.

On the other hand, even though differences in occupational choices across generations can be observed, yet, they still perform blue-collar and menial jobs. For example, Mimoze Louise (daughter of Emilienne who worked as domestic worker) works as a salt-pan labourer and her husband, Jean Daniel Toulouse is gardener but none of their children performs similar jobs. Sabrina Toulouse is a domestic worker, Jasmine Lalouette works as manager of L'Ecole des Techniciennes de Maison and Hancella Toulouse studies.

Chart 13 Family Tree of

Reference 437 - 0.01% Coverage

47

Jean Daniel (Patrick)

TOULOUSE

Reference 438 - 0.01% Coverage

See Appendices 8 and 9)

A downward shift can be observed in the occupational choice with the first generations (as retraced in the genealogy) being skilled artisans whereas the successive generations, as from the fourth generation, performing mostly menial jobs. Some causal factors for this downward shift in occupational choice might be the changes in the development strategies of the surrounding estates, the failure for the villagers to keep with the labour market demands since schools were located far away. Distance and isolation have played a huge role in absence of education among population here.

As from the 1960s, the labour demand of the estates changed in line with their development strategies and especially following the division of the estate land. They needed mostly labourers and domestic workers as illustrated by the genealogical trees.

For example, Maurel, De Ravel

Reference 439 - 0.01% Coverage

with the national economic strategies.

According to Nicole, Mr. Maurel started to divide and sell his land and semi-industrial activities developed. Sugar cane production, Aloe production, salt-pans and the development of the chassée were the main economic activities and the villagers worked essentially as paid domestic workers, labourers, fishermen and salt-pan workers.

...Lontan tiena ban dimounn ti pe travay tiena Moulin lalwes ban madam ti pe travay Moulin lalwes...Li ti peser wa li travay peser... Ena peser ena labourer koup kann mwa mo papa ti koup kann sa lepok la mo bolom peser...142

(Eng. trans:...Long ago people worked [in the] Aloes Mill women worked in the Aloes Mill...He was fisherman yes he worked [as] fisherman...there are fishermen, labourer cut sugarcane at that time my father cut cane my husband [was] fisherman...)

Consequently, in the 20th century

Reference 440 - 0.01% Coverage

marginalised because of its remoteness.

Consequently, the Cité residents relied on the plantation and fishing economies and on invisible labour that are legacies of slavery in that the local residents continued to work for the surrounding estates and as paid domestic workers and fishermen.

Small Scale Farming:

Field research

Reference 441 - 0.01% Coverage

the horticulturalist in the region.

As indicated by the 1851 and 1871 censuses, it seems that after abolition of slavery and the introduction of the indentured labourers, the agricultural workers were mostly the Indo-Mauritians who outnumbered the 'General population' in agricultural class.

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#### Reference 442 - 0.01% Coverage

Population General Population Male Female

Field labourers Gardeners 6,964

Watchmen on Sugar Estates 321

#### Reference 443 - 0.01% Coverage

the sales of their catch.

Some of them do multiple jobs, when they are not at sea they work as labourers in the surrounding chassée, builders and gardeners. The majority of them either never went to school or left school before the end of the primary education cycle; it is difficult for them to find a job. They are either illiterate or have only some basic literacy knowledge.

Furthermore, they have acquired their

#### Reference 444 - 0.01% Coverage

time workers doing multiple jobs.

Because of lack of employment, opportunities they are forced to take-low paid vulnerable jobs and to accept sub-standard working conditions that lack social protection and safety nets and that undermine their fundamental labour rights. Consequently, they are unable to generate sufficient

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#### Reference 445 - 0.01% Coverage

full, secure and productive employment.

The Millennium Development Goal Report (2010) reported that the labour market conditions will continue to deteriorate and will likely threaten much of the progress made over the last decade towards decent work. The economic deterioration resulted in a sharp drop in employment-topopulation ratios and labour productivity.

Although the Cité does not

#### Reference 446 - 0.01% Coverage

exemplifies the plight of capitalism.



As stated by Father Jean David, Mauritian society is based on unequal wealth distribution to the detriment of the working classes and on the exploitation of blue-collar and menial workers. Mauritius development was and is still founded on labour exploitation.

In line with the testimonies, those who are at the bottom of the pyramid perceive their situation as a perpetuation of slavery as they still constitute a pool of servile labour force and their working conditions are harsh.

'...dan la realite ena pe

#### Reference 447 - 0.01% Coverage

are oppressed by the others...)

Indeed, all the respondents stated that their employers do not recognise their human and legal rights as laid down in the various Human Rights Conventions and in the labour law exploit them.

The Employment Rights Act of

#### Reference 448 - 0.01% Coverage

access to employment or occupation.

This is sustained by the International Labour Organisation (ILO) labour standards and Decent Work Agenda that aims to achieve decent work for all by promoting social dialogue, social protection and employment creation, as well as respect for international labour standards<sup>152</sup>.

For example, Claudia, Kathy and

#### Reference 449 - 0.01% Coverage

needs to be his slave...)

Domestic workers are often 'de jure' or 'de facto' denied labour and social protection because of common held perception that, firstly, domestic work takes place in the home and thus is invisible and under-rated and, secondly, a feminisation of household works that traditionally were carried out without pay. For example, they are not registered at the National Pension Fund.

The Employment Rights Act 2008

#### Reference 450 - 0.01% Coverage

Act is not systematically enforced.

Domestic labour is still under-reported and under-declared and hence remains in the invisible economy. For example, as per the Digest of Labour Statistics 2009, in March of the same year, 241 (175 males and 66 females) employments were recorded in community, social and personal services in the Black River district. These figures do not reflect the extent of domestic work and the gender dimension of this occupation.

In line with the ILO, one of reasons for the under-reporting of work performed by the domestic workers is that it is not considered a 'real work' and is 'generally thought of as the labour market' because it does not 'take place in a factory or an office, but in the home'. Hence, domestic workers suffer from lack of decent wages, bad working conditions, undefined working time, no weekly offs, loneliness, no career growth, no

skill development, victimisation at the hands of traffickers/placement agencies and even violence, abuse and sexual harassment at workplace.<sup>155</sup>

Indeed, the public perception of domestic work is often that it is undignified work, and the workers in this sector should be pitied because they are unqualified and unskilled<sup>156</sup>. This social representation of domestic labour is rooted on the colonial mentality whence domestic slaves and particularly slave women fulfilled such occupations. After the abolition of slavery, based on the 1871 Census, the 'Indian Population' outnumbered the 'General Population' in the domestic class and men preponderated over women as indicated in Chart 10 below

Table 13 Category

Population doing

#### Reference 451 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

domestic work to the category of skilled labour to upgrade and obliterate the stigma attached to domestic labour and ultimately for the workers to gain social status and feel more valuable.

Modernisation is a double-edged

#### Reference 452 - 0.01% Coverage

failure and poor life achievement.

For example, the son of Emilienne had excellent results at CPE exams. His mother and teachers encouraged him to continue his studies but he was not motivated to do so. He preferred to start working as labourer and to stop schooling. He was offered a job as clerk but he refused on the grounds that he did not know how to speak neither French nor English and choose to work as gardener. Her daughters too stopped schooling after primary cycle and her granddaughters after SC.

One factor identified is earning

#### Reference 453 - 0.01% Coverage

have dropped out of school.

Assistance should be provided to unemployed and unqualified, professionals as well such as training should be given to develop professional skills, special courses should be organised that lead to a technical certificate which will ensure that they are employable. The courses should be in accordance with the employment skills that the employers seek, and the demands of the labour market.

Occupation patterns

The Cim Stockbrokers

#### Reference 454 - 0.01% Coverage

the human species' makes sense.

Even though, in such instances, people have limited choices, it does not imply that they should be denied their rights and comply with unhealthy and degrading working conditions. There is need to conduct an in-depth investigation in the working conditions of the paid domestic workers and lobby for an amendment

of the Labour Act to clarify the loopholes in the law regarding this category of employees and for the employers to comply with the law.

An in-depth study should also be carried out to assess how far Mauritius abides by the various United Nations Conventions that the country ratified such as the International Labour Organisation Conventions and Human Rights Conventions and especially whether the International labour standard for paid domestic workers set by the ILO entitled 'Decent Work for Domestic Workers'<sup>173</sup> are respected.

Regional reporting and complaint units should be set up for people to report cases of breaches of their rights as employees and to lodge complaints in cases of employers' non-compliance to the labour laws in force. These units should also sensitise and inform the population of their legal rights and existing laws that protect them from potential abuse and exploitation.

L'Ecole des Techniciennes de Maison

#### Reference 455 - 0.01% Coverage

acquire expertise, skills and praxis

The socio-economic status of paid domestic and manual labour should be upgraded that would bring horizontal mobility of these workers. This mobility can be achieved by increasing the minimum salary threshold and improving the social and legal protections in this labour sector in line with the inflation rate.

The social and economic value

#### Reference 456 - 0.01% Coverage

of the already vulnerable groups.

One alternative is the revalorisation of low tier jobs, particularly, paid domestic and manual labour that still bear negative stereotypes rooted in patriarchy and colonial times when slaves performed these types of jobs such as labourers, cattle-herder, fishermen, poultry-herders and many other skilled and unskilled work. The slaves were fieldworkers, domestic workers, and skilled traders and worked in the mills and at sea<sup>174</sup>. Actually, the stigma does not lie in the people performing these jobs or in the nature of the job itself but in the social system that denigrates paid household work and ascribes low status to menial and blue-collar work and subsequently this labour category.

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#### Reference 457 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

In fact, paid domestic labour is still commonly perceived as unskilled work and this perception is based on a dominant construction of paid domestic work as replacing unpaid family duties that were initially fulfilled by slave women and after by female family members. When paid domestic workers substituted these unpaid domestic jobs, the social and economic value of domestic employment was and is still undermined and under-estimated.

Domestic and manual labour remains somewhat an invisible economy and informal sector. In other words, society and people devalue domestic and manual work and workers resulting from an imperialist and colonial mentality that is maintained.

Given that paid domestic labour is the main source of income for the families living in Cité La Mivoie and is growing in Mauritius, and also that there are more people who are dependent on bluecollar jobs and manual jobs, there is need to de-stigmatise these jobs as these people deserve consideration.

The Millennium Development Goal Report

#### Reference 458 - 0.01% Coverage

vocational system should be promoted.

To combat child labour and reduce school drop-outs, the Educational and Labour Acts should be amended to make education compulsory until the age of 18 and raise the legal working age to 18 years old.

More funds and resources should

#### Reference 459 - 0.01% Coverage

impacts on their present reality.

Oral history uncovered a continuity between the local economic and occupational evolution and the colonial history (slave and indenture system) in that the availability of cheap and docile skilled and unskilled labour underpins contemporary regional economic and social development and economic prosperity. There is precariousness in the Cité which stems from historic inter-dependence of the residents and their wealthy neighbours and especially economic dependence with the former being employees and needing to 'earn a living' and the latter, the employers, in need of cheap and docile labour. This inter-dependence is rooted in servitude and capitalist exploitation.

This labour profile inherent to the capitalist system is rooted in the slave system and is an extension of slavery but under a modified and 'institutionalised' form. The residents of Cité La Mivoie still bear the burden of slavery. It will be a long and hard endeavour to repair the destructive aftermath of slavery and of discriminatory practices.

Reparation starts with work on

#### Reference 460 - 0.01% Coverage

multi-purpose centre

Occupation patterns

Sustainable livelihood programme In-depth investigation in the working conditions of the paid domestic workers and lobby for an amendment of the Labour

Act to clarify the

loopholes

#### Reference 461 - 0.01% Coverage

Labour

Act to clarify the

loopholes in the law An in-depth study to assess how far Mauritius abides by the International Labour Organisation Conventions and Human Rights Conventions Set up of regional reporting and complaint units

Truth and Justice Commission 193

Reference 462 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

L'Ecole des Techniciennes de Maison should broaden its scope of work The socio-economic status of paid domestic and manual labour should be upgraded Mechanisms should be set up for

Reference 463 - 0.01% Coverage

their domestic workers

Working Conditions

Revalorisation of low tier jobs, particularly, paid domestic and manual labour

Development of legal and policy

Reference 464 - 0.01% Coverage

vocational system should be promoted.

The Educational and Labour Acts should be amended to make education compulsory

Reference 465 - 0.01% Coverage

13. Local Government Act 1989.

14. Ministry of Housing and Land, Labour Surveys Act 1976 and Land Surveys [Amendement] Act 1978, La Mivoie Housing Estate.

15. Moutou, B. 2001, La

Reference 466 - 0.01% Coverage

Caredas/17May2010, lines 337-345

152<http://www.ilo.org/global/standards/introduction-to-international-labour-standards> 153

TJC/2/SLC/IN/JP CP007/T/VillageBougainvilliers/13May2010, lines 413-435 154TJC/6/SLC/IN/NP 8/T/CiteLaMivoie/15May2010, lines 698-717 155<http://www.ilo.org/>

156 Ibid

157TJC/6/SLC

Reference 467 - 0.01% Coverage

of the previous year 172

173 International Labour Conference, 100th Session 2011, Decent work for domestic workers 174 Teelock (1998, pp.136-137)

Truth and Justice Commission 200

#### Reference 468 - 0.01% Coverage

##### 4.2.1.5 Activity

When individuals are habitually involved in manual work, it can leave traces on the skeleton in the form of ossified muscle attachment points. The distribution of these can give some idea of which muscle groups were used most heavily. The skeletal material from Le Morne showed little indication of such activity. Only two enthesophytes were observed. One was present at the insertion of the triceps muscle at the olecranon process of the right ulna of the individual from Structure 8 (fig. 28). The second was on the radius of the lower individual from Structure 33, at the origin of the Flexor digitorum superficialis. The general lack of muscle development is interesting in light of the fact that the population may represent the remains of freed slaves. One possible reason for this lack of evidence for heavy muscle usage is that there was a gendered division of labour, with females engaged in less manual labour; however, this is not borne out by the existence of two other examples of pathological lesions. The young woman from Structure 7 had spondylolysis of the fifth lumbar vertebra (fig. 29). Spondylolysis is a form of stress fracture in which the neural arch of the vertebra separates from the body through the pars inter-articularis. The lesion was well remodelled and healed at the time of death.

Fig. 28 Enthesophyte on right

#### Reference 469 - 0.01% Coverage

##### lumbar spine from Structure 7

Rather than a specific trauma, spondylolysis usually develops in response to repeated strain over long time periods (Merbs 1996). In modern contexts it is frequent in individuals who are involved in manual labour, and seems to be particularly associated with vigorous and repetitive movements involving the lower back (Roberts and Manchester 2010: 106). It is only observed in humans and is thought to relate to the adoption of an upright posture. Although involving a fracture and separation of the body and neural arch of the vertebra, spondylolysis is not usually associated with long-term pain, and Merbs (1996) has even suggested that it might be an adaptive response, giving a greater degree of flexibility.

Os acromiale was identified on

#### Reference 470 - 0.01% Coverage

##### acromiale from Structure 33/Lower

Both of these conditions have been associated both with heavy labour and with congenital defects that make the bone more liable to fracture (Larsen 1997: 190-191; Roberts and Manchester 2007: 151-152). The small numbers in the present sample means that any assessment of prevalence would be insecure, but the very fact that both of these conditions occur in such a small sample is of interest.

One skeleton from Le Morne

#### Reference 471 - 0.01% Coverage

compatible with a slave origin.

Osteological studies of slavery have so far been largely confined to slaves of considerably earlier periods such as the Roman Empire and to the Caribbean and North America. Of these, it is likely that the plantation-based slavery of the Caribbean and North America will have more relevance to the present case than examples from the ancient world. Studies of New World slavery have identified a number of characteristics that are commonly associated with slave populations, but it must be acknowledged that there is considerable variability, meaning that a 'shopping list' approach to the osteology of slavery is to be avoided. Given this caveat, some features that might be relevant in the present case are evidence of nutritional deficiency, the development of skeletal features related to heavy manual labour and evidence of high levels of non-specific infections and skeletal trauma. The last three of these are, of course, dependent on the form which slavery takes. Household slaves would have been involved in different kinds of activities to agricultural slaves and this would have been reflected in the kinds of risks to which they were exposed and hence the kinds of conditions that are visible in the skeleton. A further characteristic of slavery in Mauritius was the over-representation of males. Kuczynsky (1949, cited in Benedict 1976) has calculated that male slaves outnumbered women by two to one until 1826, when the proportion of females began to increase (Benedict 1976: 140). The 1826 registration data records five female slaves and 27 males belonging to the Le Morne Brabant estate (Teelock et al n.d.). Interestingly, these were all adults. The demographic characteristics of the Le Morne sample may therefore also cast some light on this question.

Nutritional deficiency is commonly associated

#### Reference 472 - 0.01% Coverage

##### LE MORNE – PAST AND PRESENT

In summary, the Le Morne skeletal population appears to have been reasonably well nourished and to fit with the expected statures of the populations that have contributed to the Mauritian population, but shows evidence of over-use of certain parts of the skeleton. Whilst the lack of evidence of stress and nutritional inadequacy differentiates the Le Morne skeletons from slave samples from the New World, this does not mean that the Le Morne cemetery does not contain slaves. Rather it seems to suggest that the conditions of slavery in the south of Mauritius would have been different to those on the large plantations of the New World. Plantation slavery was certainly common on Mauritius, but the area of Le Morne Brabant is not suitable for such cultivation methods due to its aridity. Instead, subsistence farming with some livestock appears to have been the main activity in this area, and the diet was probably supplemented by hunting and fishing (Teelock, pers. comm.). Such an interpretation is supported by the slave registration of 1826 (Teelock et al n.d.), in which occupations include fisherman, hunter and guardian of cattle as well as the more familiar categories of labourers and servants (although these latter categories dominate the sample).

2. What is the significance

#### Reference 473 - 0.01% Coverage

##### MORNE – PAST AND PRESENT Bibliography

1. Allen R. B. 1999. Slaves, Freedmen, and Indentured Labourers in Colonial Mauritius. Cambridge: Cambridge University Press.
2. Ambrose S. H. 1990

#### Reference 474 - 0.01% Coverage

a society founded on slavery.

The section entitled Reparations in the United States looks at class-action lawsuits filed on behalf of African Americans against the government, American and international corporations. This section gives the political and legal background to the different reparations suits and the social context in which they took place. Callie House and the National Ex-Slave Mutual Relief, Bounty and Pension Association reparations suit discusses the role of the church in grassroots movements and the ex-slaves' movement attempts to sue government agencies for monetary compensation for unpaid slave labour. The Dred Scott case analyzes the institution of slavery and the legal status of the slave in the ante-bellum jurisprudence. This section also investigates the question of citizenship of the African American slave in a pre-civil war context. It also explores the influence of Justice Tanney's opinion in the subsequent racial policies enacted such as Jim Crow in southern states post civil war. This section also uncovers similarities and differences between the early 20th century and the 21st century lawsuits and how the demands of the reparations activists changed over time.

Section two explores the Japanese

#### Reference 475 - 0.01% Coverage

legal histories of compensatory reparations

in Mauritius Island after the abolition of slavery. It examines the case of a Mauritian consortium, which was created after the abolition of slavery with compensatory monies from the British government compared to a lawsuit for compensatory damages for the loss of slaves' labour and property as a result of abolition in the State of Louisiana. This section also investigates the reparations suit for the refugees of the Chagos Islands in Mauritius and why the compensatory actions did not heal these people's wounds. It also explores the theory of race through history comparatively in the U.S and Mauritius using Adelbert Jenkins humanistic approach to psychology and cross-cultural psychology proposed by Ute Schönplflug.

Section four is devoted to

#### Reference 476 - 0.01% Coverage

### 3: PART I – SLAVERY - REPARATIONS

Manufacturers Bank of New York, and New York Life Insurance Co. Made huge profits from holding insurance contracts on slaves and used slaves as collateral prior to 1865.<sup>30</sup> The state of California as a plaintiff sued FleetBoston Financial Corp. in 2003 because it claimed that FleetBoston Financial Corp profited in slave trading even after the abolition of slave trade and that the corporation held insurance policies on slaves. The effect of writing slave life insurance policy was to provide the financial means to, and incentive to, purchase more slaves, the slave owners worked the slaves extra hard so as to extract the most profit from his labour. The insurance company on the other hand so as to maximize profit would ask a mandatory medical exam of the slave then write the insurance policy on only three quarter of the market value of the slave. Hence the scheme was profitable to both parties.

JP Morgan Chase Manhattan Bank

#### Reference 477 - 0.01% Coverage



gain for descendants of slaves,

reparationists in the United States ought to demand an accounting of the businesses that benefited from slavery and that the findings should be public knowledge. The political entity of Mauritius like the United States of America was founded on slave labour; the book "Les Défricheurs de L'île Maurice" gives a list of the French families and individuals who came to Mauritius then Isle De France as colonists. The above-mentioned book however, concentrates only on the French period and does not give us much information on the Dutch or British periods of colonization.

Slavery in Mauritius was abolished

#### Reference 478 - 0.01% Coverage

individualism enunciated by John Locke

has deeply influenced the Founding Fathers and the drafting of the constitution. John Locke like his predecessor Thomas Hobbes agree that the state has to defend the rights of property of its citizen; Locke says for instance, that when a person uses his own labour to make something out of what was originally communal property, he lays claim to it.<sup>43</sup> Lockean thought like the other 'contractarian' philosophers does not include the black man as a citizen actually in John Locke's reasoning the black slaves were not people at all, they were commodities similar to the Code Noir from Colbert in which the slaves were referred to as "bien meuble".<sup>44</sup>

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#### Reference 479 - 0.01% Coverage

and slavery was

in effect

intertwined. The Congress had also the power to levy taxes on import, export and to regulate trade between the states and with other nations. The southern states grew mostly, tobacco, indigo, cotton, sugarcane and rice which were cash crops marketed abroad; this meant that the slave owners would have the power to make sure that their particular products would not be overridden by senators with abolitionists tendencies and/or from states where the economy did not depend exclusively on slave labour. Furthermore slave owning congressional representatives could prevent a rise in taxation on slave traffic by taxing the staple goods produced with slave labour such as tobacco, indigo and later cotton. The three-fifth rule ensured the hegemony of southern slave owners in the Congress and their influence on the election of the president.

Reparations for the damages incurred

#### Reference 480 - 0.01% Coverage

of succession by the Contractor.

(h) "Profits from the Slave Trade" shall mean any company advantage or financial benefit derived from the labour of Persons Subjected to Slavery or from Participation in the Slave Trade.

31 Malveaux, Suzette. Statutes of

#### Reference 481 - 0.01% Coverage

fifths of all other Persons.”

42 Finkelman, Paul (ed.). Slavery and the Law. Madison House, Madison WI c1997, page 17 The awful word does not appear in the constitution until the Thirteenth Amendment, which abolished the institution. Nevertheless the main body of the document is littered with references to slaves as “other persons”, “such persons, and “persons held to service or labour”. See in the appended section at the end of the document; the Third Clause, Article 1, section 2 of the United States Constitution.

43 Kelly, Eugene. “The basics

#### Reference 482 - 0.01% Coverage

books, c1952 page 19-20.

ORAL HISTORY AND PSYCHOLOGY 46 Laws, Ordinance, Proclamations, Notices published in Mauritius in 1844 by the Registrations and Mortgage Office, Ordinance June 10 1843, Volume B3B. Mauritius National Archives, Coromandel. Article 3: Every person pretending to deal in witchcraft, every person pretending to tell fortunes or using or pretending to use any subtle craft or device by palmistry or any such like superstitious means to deceive or impose on any of Her Majesty’s subjects.....shall be deemed a rogue and a vagabond within the true intent and meaning of the Ordinance; and it shall be lawful for any stipendiary Magistrate to commit such offender or by the evidence on oath of one or more credible witness or witnesses .....to be kept to hard labour for any time not exceeding 60 days (reduced to 28 days by Proclamation of the 5/march/1845). 47 Constitution of Mauritius: 11. Protection of freedom of conscience

(1) Except with his own

#### Reference 483 - 0.01% Coverage

1) (See Appendix on CD)

Pandian worked as an indentured labourer for five years. He passed away on 21st July 1889 at seven o’clock in the morning on Gros Bois Sugar Estate. His death certificate was issued in Mare D’Albert Civil Office. (See Death Certificate in Appendix 1). However there are errors on this certificate as he did not have his ticket. It may have been lost or was in the possession of the employer. According to the information available on the death certificate, Pandian was a 45 year-old single Hindu immigrant. However, if we take a closer look at the information available in the Registers at the Archives, one would see that at the time of his death, PANDIAN was a 40-year old married Tamil immigrant.

KANNIAMMA KANNIAMMA stayed twenty years

#### Reference 484 - 0.01% Coverage

PANDIAN born around the 1920.

RUNGAMAH was the daughter of Karuppaunen No.396893 of St. Felix Sugar Estate and Goindamah of Moka village. She was born on 22 December 1895 (Appendix 7) in the District of Moka because her mother’s delivery took place there. No one, however, knew how the parents of RUNGAMAH met and got married as the two estates are quite far away: Karuppaunen was a labourer on Bel Air Saint-Felix Sugar Estate in the South of Mauritius while Goindamah resided in Moka in the centre of Mauritius. MUNISAMI died in 1932 (Appendix 8) and RUNGAMAH in 1942 (Appendix 9).

A question was left pending

#### Reference 485 - 0.01% Coverage

3) (See Appendix on CD)

The researcher's grandfather was born on 24 August 1913 on St. Felix Sugar Estate (Appendix 10). He never went to school. He worked as labourer and sirdar in Bel Air Saint-Felix Sugar Estate. He was only 19 years old when he lost his father. He lived in Saint-Felix Camp with his mother and two unmarried sisters. He had to work very hard to get his sisters married. He was also a priest in the kovil found in the camp. His son (this researcher's father) would often help him every Friday and during special prayers like the Cavadee<sup>4</sup>, Govinden<sup>5</sup> or Thimeedee.<sup>6</sup>

In 1938, he married PETCHAYE

#### Reference 486 - 0.01% Coverage

Certificate (Source: Civil Status Office)

As most indentured descendants, they faced many miseries. PETCHAYE, her son Marday and her daughters had to work as labourers in the sugarcane fields. ARNASALON, on the other hand, went to school and was the first student to pass his School Certificate Examinations in the whole St. Felix Camp. According to oral sources, the rations were insufficient and due to financial constraints, they had to cook Ponga Banane<sup>7</sup> with salted fish and sometimes, they would even make chayote skin or goat skin curry. PETCHAYE struggled a lot as a wife, mother and a labourer. She died at the age of 68 in Rivière des Anguilles (Appendix 13).

ARNASALON MUNISAMI (Tree 4) (See

#### Reference 487 - 0.01% Coverage

the years to come.

#### CONCLUSION

This family history was only a small trip back into time. PANDIAN came as an indentured labourer with his family and what he has left as legacy is: 2 children, 3 grandchildren, 9 great grandchildren, 24 great great-grandchildren, 34 great great-great-grandchildren and 1 great great-great-great grandchild. There is still more research waiting to be carried out in Mauritius and in India. Until that time comes, the Researcher feels enriched with the stories of the past and having started on this journey and met some wonderful people that she would have never known other than through this research, precious stories and shared memories, passed from generation to generation.

1 A village in India

#### Reference 488 - 0.01% Coverage

of Alex Haley's 'Roots' (1976)

Research into one's family history is a difficult and complicated task, but a rewarding experience, since it allows a person to discover his/her roots or where we come from and who we are. The story of my family starts during the mid-19th century, with the arrival of Peerthum, my great greatgrandfather, an Indian non-indentured immigrant and day labourer, bearing the passenger list number 5750 (bis). He arrived in Mauritius from Calcutta, India, some time between the late 1860s and early 1870s.

The Elusive Search of the

#### Reference 489 - 0.01% Coverage

the MGI Indian Folk Museum:

"In fact, they were not indentured as they did not form part of the influx of controlled immigration and unlike the indentured labourers, they did not benefit from a free passage from Mauritius to India and back. Moreover, the non-indentured Indians came to Mauritius without

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#### Reference 490 - 0.01% Coverage

##### HISTORY OF THE PEERTHUM FAMILY

signing any contract. They paid their passage themselves and were known as passengers to differentiate them from the indentured Indians. These passengers were rarely employed as labourers for most of them mainly engaged in free trade." "After their arrival in Mauritius, a passenger number was attached to their name for identification purpose. Divided in two parts by a slash, the first part of the number appears to be a serial number while the second one corresponds to the year in which they were remitted an identification certificate."<sup>2</sup>

Unlike indentured labourers, Peerthum paid his own passage from Calcutta to Port Louis which amounted to around five pounds sterling in the 1860s. In addition, there is no indication in his passenger number of which year he arrived in Port Louis, which makes the search for the exact date of his arrival elusive.

Therefore, it is presumed that he arrived as an adult at some stage between the late 1860s and early 1870s. Peerthum was born in 1846 and is believed to be from the South Western District of the Bengal Presidency to the East of Calcutta and to the South of city of Raniguni. (This region was not a traditional region for the recruitment of indentured labourers for British and European overseas plantation colonies like Mauritius). Furthermore, according to his passenger ticket, his father was Cartick and his mother was Dannoo.

When he reached his late teens, he migrated to Calcutta, India, before embarking for Mauritius. It is believed that during the one-month voyage between India and Mauritius, he became a close friend with another free immigrant labourer called Digum or Diggun. They formed a type of "jahaji bhai" relationship and that they kept in touch with one another for many years after their arrival in Mauritius.

Furthermore, it is believed that Digaum never held a steady job on a sugar estate as a day labourer. He was arrested on several occasions for petty theft and even spent some time in prison. However, eventually Digaum stabilized his life, got married and had children. He passed away on 29th July 1909 in the District of Pamplemousses and his passenger list number was not mentioned in the records. Today, some of his descendants are living in Bon Accueil near Mission Cross Road.

Source: CSO, Flacq District Death

#### Reference 491 - 0.01% Coverage

parents during the 19th century

Between the late 1860s/early 1870s and 1890, Peerthum worked as a "day labourer" on Grand Bois Sugar Estate and lived in its estate camp. Grand Bois Sugar Estate was a small sugar plantation which was located between Bois Chéri and Rivière du Poste in the District of Savanne.

Sometime in 1879 or 1880

#### Reference 492 - 0.01% Coverage

Huguette Ly-Tio Fane Pineo:

"He exerted his authority both in the establishment quarters and in the labourers' camp. His dual status gave him a position of great power among the labourers from whom he usually commanded both obedience and respect. The caste to which he belonged had certainly been a factor in his promotion, but the permanency of his position depended on the quality of his leadership. Good leadership required on his part exceptional "savoir faire" and good judgement, qualities which he acquired from long practice in fieldwork and familiarity in all the different social quarters of the estate."<sup>3</sup>

Figure 5 : The picture of

#### Reference 493 - 0.01% Coverage

Depot or the Apravasi Ghat

In addition, during the 1860s, before a labourer became

a sirdar, he had to be able to muster before the sugar harvest more than 24 labourers and keep them under his control. On the large sugar estates, the sirdar was answerable to the chief sirdar who had to answer to the estate manager.<sup>4</sup>

My father explains that ever

#### Reference 494 - 0.01% Coverage

this tragic event, Peerthum, who

was 44 years old, found himself a widow, struggling to bring up three young children. A short time later, perhaps a year after the death of his wife, he decided to leave Grand Bois and settle in the estate camp of Grande Retraite in Northern part of the District of Flacq. He became an "engaged labourer" and was no longer a "day labourer" in order to provide for this children. Peerthum left his youngest child, Seesurrun Peerthum, in the care of the Mahesh family who resided in a small settlement just on the perimeter of Grande Retraite, Sugar Estate.

This settlement, which was established during the 1880s and 1890s, would eventually become the village of Grande Retraite. Between 1891 and 1905, Peerthum worked and lived as an engaged labourer on Grande Retraite Sugar Estate where, apart from his wage, he was provided with accommodation, rations and medical care.

He became good friends with

#### Reference 495 - 0.01% Coverage

with Sabally Kaudeer and Ramnath

Seeburun, who were both Indo-Mauritians and engaged labourers on the same estate. Peerthum passed away on 30th April 1905 at Grande Retraite Sugar Estate and it was Kaudeer and Seeburun who reported his death and signed his death certificate as witnesses. Peerthum No. 5751 (bis) never purchased any property and went from being a day labourer to an engaged labourer during the last years of his life.

3. The Story of Seesurrun

#### Reference 496 - 0.01% Coverage

in Rivière du Rempart district.

Sookbasseea Nundlall, my great grandmother, was born on Labourdonnais Sugar Estate in March 1896. She played a crucial role in social and economic progress of the Peerthum family and had a major impact on the life of Dr. Satteeanund Peerthum, my father. Sookbasseea's grandfather and the father of Nundlall the sirdar came to Mauritius from Bihar, India, during the 1850s. He passed through the Immigration Depot where he was registered as an indentured labourer and went to

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#### Reference 497 - 0.01% Coverage

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Figure 7: Accommodation for Monthly or Contract Labourers on a Sugar Estate in Flacq during the 1940s  
VOL 3: PART I - INDENTURE

#### Reference 498 - 0.01% Coverage

Arya Samaj movement in Mauritius.

Equally interesting is the fact that during the 1950s, he visited his distant relatives in Bihar who were related to his grandfather, Nundlall the Immigrant. During that period, Pandit Nundlall is one of few Mauritian descendants of an indentured labourer to have done this during the mid-20th century. It is interesting to note that he was visiting his son,

Iswarduth Nundlall, in Lucknow in

#### Reference 499 - 0.01% Coverage

Peerthum were legally married. The

Figure 12: Payroll of labourers on contract on Labourdonnais Sugar Estate 1893-1896

Source: Courtesy of Sheilandra Peerthum

#### Reference 500 - 0.01% Coverage

unlike the other Peerthum children.

What type of person was Seesurrin Peerthum? This question was answered by a well-known and long-time resident of Cottage, Mr. Balram Nursimooloo, who is now 90 years. He is the grandson of an indentured labourer who arrived in Mauritius during the late 1800s from one of the Teluguspeaking districts. Balram was born around 1921 and was a sirdar on Labourdonnais Sugar Estate between the late 1940s and the 1960s. As a young child, he met Seesurrin Peerthum and was a good friend with Chandraduth.

Figure 13: Balram Nursimooloo

Balram

#### Reference 501 - 0.01% Coverage

near the village of Goodlands.

Why did Seesurrin try to obtain a third plot of land? It may well be that he remembered that Peerthum, his father, never managed to purchase any property due to difficult circumstances in life and always remained dependent on the pay he earned as a day labourer and later on, as an 'engaged labourer'. In addition, he had to depend on other people to raise his children and his father did not leave him with any inheritance in terms of property or money. At the same time, Seesurrin had relied for many years on the generosity of Nundlall the sirdar in order to earn his living and to purchase his first property. He wanted

#### Reference 502 - 0.01% Coverage

the 1940s and the 1950s

During the 1930s and 1940s, Chandraduth Peerthum developed a very close and lifelong friendship with Hurruparsad Ramnarain, the Trade Union leader and member of the Mauritius Labour Party. My father and his elder brother always called him "chacha". During the Second World War and the 1950s, Chandraduth Peerthum was a member of the village panchayat or a type of council of village elders and became a well-known figure in the locality, just like Ramnarain and Narsimooloo. In September 1943, in the aftermath of the tragic Belle Vue Harel massacre, he was one of the individuals who transported the body of Anjalay Coopen on his shoulders from the estate camp of Belle Vue to be cremated on a plot of land which had been donated for that specific purpose and located immediately to the North of Cottage. During the same period, Chandraduth, along with his two younger brothers, Gianduth and Soorajdutt, became active members of the Syam Sevaks of the Jan Andolan or People's Movement which was being led by Pandit Basdeo Bissoondoyal and Sookdeo Bissoondoyal.

During the 1930s and 1940s

#### Reference 503 - 0.01% Coverage

His name was Ramchurn, immigration

number 140734. He was 17 years old and he came to Mauritius as a single indentured labourer. He was 'shipped' from Calcutta. The ship in which he travelled was called the Julia and its number was 562. The name of the Captain was "E. Warehouse". Ramchurn had a scar on his left thigh. He married Mareetcha Beechook in Mauritius.

Information on his family background

#### Reference 504 - 0.01% Coverage

in the District of Moka.

According to information obtained orally from my grandfather, Sookdeo Ramchurn, Ramchurn 140734 worked as "labourer" at Bar le Duc Sugar Estate. Later, he became a sirdar. He also stated that Ramchurn 140734 was the owner of a large plot of land but after his death, a South Indian entrepreneur misappropriated the land. As Maratcheea Beechook was illiterate, she was tricked into putting her thumb print on a legal paper. Subsequently, she lost all her property and led a life of poverty.

Baichoo Ramchurn (2nd Second Generation)

#### Reference 505 - 0.01% Coverage

Birth Certificate of Baichoo Ramchurn

According to my uncle, Gyanduth Ramchurn, Baichoo Ramchurn started working at a very young age. He worked as a labourer on Bar le Duc Sugar Estate. He was a hard worker as well as being a very strict person. He lived in a house built of straw. He married Sohodry in the 1920's who was from Rivière du Poste.

No one in the family

#### Reference 506 - 0.01% Coverage

HISTORY OF THE RAMCHURN FAMILY

Kapildeo Ramchurn, my grandfather was the second son of Baichoo Ramchurn. He started working at the age of 14 for Ramdin Sugar Estate situated at Cluny. Then in 1954, he worked as labourer at Mon Desert Alma sugar-estate. At the age of 55, he left his job because of a mild heart attack.

He married Jasso Guinness, my

#### Reference 507 - 0.01% Coverage

and they have one son.

Ramchurn 140734 came to Mauritius as a contract labourer and a single man. Since the 1854, the family has lived in the region and the family has become part of its landscape. The Ramchurn family is quite famous in Dagotière, the village where they live. On every major occasion such as prayers, weddings, birthdays, they are always seen together. Most of the members of the recent generation are well-educated and hold high-profile jobs.

References

1. MGIIIA PE 45

#### Reference 508 - 0.01% Coverage

in the District of Pamplemousses.

Seedheal's father had come as a free passenger, and not as an indentured labourer, from the District of 'Arrah' or from the village of 'Darbang' or 'Darwan'.

According to his

Birth Certificate

#### Reference 509 - 0.01% Coverage

TODAY Vijayalakshmi Teelock, Vice-Chairperson

The aims of the analysis of interviews of presumed descendants of indentured labourers are to uncover the world views, life styles, thoughts and perceptions of persons representing a sample of descendants of indentured labourers still living, working on sugar estates or in sugar industry. This is to facilitate further analysis and understanding of the situation of descendants of indentured labourers in accordance with the



Act of the Truth and Justice Commission whose main objective is to "make an assessment of the consequences of slavery and indenture labour during the colonial period up to the present".

A chapter on what the

#### Reference 510 - 0.01% Coverage

for school or work etc.

Ethnic profiling also continued from indenture days where most of the artisans/non-field workers were Creole Christians.<sup>1</sup> Out of the 18 Creoles interviewed, 9 respondents did not work as field labourers.<sup>2</sup>

Mobility was restricted on a

#### Reference 511 - 0.01% Coverage

domestic help, growing vegetables etc.

Mobility occurred within the sugar industry and many respondents had gone up in the hierarchy e.g. from labourer to sirdar or changed jobs from being a labourer to a cart driver, a miller or a truck/ lorry driver, a machine operator, a watchman or a mechanic. Some even secured jobs as messengers. However, this applied to male workers only as female workers could only aspire to being a sirdarine<sup>3</sup> or providing domestic help

During the process of centralisation, at the end of the 19th century and at the beginning of 20th century, sugar mills closed down. Many labourers who lost their jobs, had to move to another mill. Some relocated and started tobacco and tea cultivation. However, some of the alternative vocations did not provide a regular income, and they had to return to work on the sugar estates.<sup>4</sup>

The life-style of some improved because their parents had moved up or were liked by the plantation management. Life for many did not change much even if their parents had moved up in the hierarchy of the plantation. They had to start from scratch like everyone else. R/348 's mother was a sirdarine, implying that the income levels were high; yet he started working at the age of 8 years looking after the poultry, then as a labourer in cane fields and finally in the mill working on machines.<sup>5</sup> Sometimes, accidents led to such situations. Young girls had to start work: R/234's father was a Sirdar who lent money to other labourers but she had to start working at the age of 7 because her father could not work<sup>6</sup> and her mother, also a labourer, was the only earner in the family.<sup>7</sup>

The first half of the 20th century, thus was quite difficult for most of those interviewed. For women, particularly, working life actually became harder for them. In their grandparents' and parents' time (i.e. indentured period and one generation after), women did not work as labourers. They reared cattle, cut grass and undertook gardening jobs. However, gradually with the pressures of large families, which increased requirements and expenses, a desire to earn more to move upwards forced more and more women to take up regular jobs as labourers. What made things much more strenuous for them was that they continued to do cattle-rearing and cutting grass etc.,

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#### Reference 512 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

along with new job as labourers, and they also had to look after the families and do the household chores. There were not many opportunities of mobility available for these women. In some rare cases, women

remained as labourers throughout their working lives, primarily because in the sugar production, most of the occupations, except labour on the fields, were male activities.

Since the 1940s, most felt

#### Reference 513 - 0.01% Coverage

their implementation always remained questionable.

Most interviewees did not like the hierarchy: the sirdar was described as exploitative, rude, dishonest and dominating. They would have to perform personal work for him such as bringing wood or grass etc. Some also mentioned physical violence. Several mentioned that the Sirdar could fire any labourer who displeased him. One respondent mentioned that as late as 1982, he lost his job because of a fight with the Sirdar.<sup>8</sup> The Sirdars interviewed, however, insisted that they were always very protective and good to their gang of labourers.<sup>9</sup>

#### 2. WAGES

Wage levels always

#### Reference 514 - 0.01% Coverage

of labourers.<sup>9</sup>

#### 2. WAGES

Wage levels always remained low, resulting in economic pressure on the families. Poverty forced women to work as labourers and even forced children to work at an early age, pushing them to leave school as they could not afford to pay for their education. In this context, large families in labouring classes thus faced a critical situation. Many respondents have stated that their parents had 8-10 children, several about 12, and some respondents even had 18 siblings.<sup>10</sup> In the labouring classes, human beings were considered as capital – more members in the family meant more income; but then, it severely restricted the growth of the younger generations – more children meant more expenditure on their education and general well being. Since the parents did not earn enough, larger families forced, not only the women, but also most of the children into work at a very early age, depriving them of a natural childhood and overall growth.

Wage rates differed across regions

#### Reference 515 - 0.01% Coverage

determined on piece meal basis.

Women were always paid less for their labour, and the standard rationale was that as women performed lighter jobs, they were paid less. In several cases it was found that the wages paid to women were actually half (or almost half) of the men's wages.<sup>12</sup>

This stereotyping has its roots

#### Reference 516 - 0.01% Coverage

stereotyping has its roots in

the patriarchal discourse which does not find women capable of doing several things because of their relative physical 'weakness' compared to men. This was supported by the Colonial Administrators because

it ensured relatively cheaper labour. We have several responses to support that women were doing almost the same work as male labourers, and yet they were being paid considerably lower.

Since the period of indentured labour, there were several deductions from the wages for one pretext or another: this system continued in the 1930s and 1940s. The actual wage obtained was

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#### Reference 517 - 0.01% Coverage

move to the camp.<sup>14</sup>

Most had lived on estate camps and gradually moved out to the villages. Living on a camp was a sign of poverty – those who were poor and could not afford lived on camps and there was a sense of accomplishment in building one's own house.<sup>15</sup> However, there was also some nostalgia for camp life. It had several advantages: wood was obtained for cooking, grass for animals etc.<sup>16</sup> Most importantly, living near one's place of work saved much time, effort and resources and made life easier and more pleasant. However, the camp houses were not available for all the labourers and those who owned houses were not given one, even if they wanted to stay on camps.<sup>17</sup>

For women particularly, marriage had

#### Reference 518 - 0.01% Coverage

started being built of concrete.

As occupational/ethnic policy existed, this was reflected in housing provision on estates. Labourers were housed in barracks or straw huts. Artisans had individual houses away from barracks. These were bigger, more spacious, built of concrete (while labourers' houses were made of straw or iron sheets).

#### 4. EDUCATION

Education appears as

#### Reference 519 - 0.01% Coverage

and simply abandoned their studies.

Despite these difficulties, many of the male respondents did manage to go to school and studied from standard III to standard VI (most of the respondents who went to school fall in this range) and a few even passed the CPE.<sup>23</sup> However, most of them were doing both: working and going to school. When they left school, they started working as labourers or at some other menial occupation in the sugar industry, which seemed to cause some kind of disappointment among those who had obtained higher qualifications, despite all the odds.<sup>24</sup> Very few could really make the transition.<sup>25</sup> Apart from low levels of education and a lack of opportunities, the critical factor for them not being able to make the shift in their work was the fact that the education was not linked with the requirements of the job market, and students were not given the vocational training which would have enabled them to make the crucial shift. Only one respondent has stated that he learnt carpentry at the RCA and then went on to work as a sampler in the laboratory on the sugar mill.<sup>26</sup>

For women, the level of

#### Reference 520 - 0.01% Coverage

#### AND INTRA ETHNIC RELATIONS; RACISM

During the indenture period, labourers from different religions/ ethnic communities were housed together, without much consideration given to their religious/ethnic affiliation, on the estates. The plantation system did not differentiate much between the groups. It is interesting to note that almost all the respondents echoed the same appreciation of the peaceful coexistence of different communities in camps and villages. Most of the respondents underline the fact that different communities lived together in harmony, had mutual cooperation, helped each other, shared each others' values and customs and most importantly celebrated cultural religious festivals like Holi, Cavadee, Maha Shivratri together. The place of interaction and common celebration was usually the Baithka. Almost all the respondents underline the critical role played by Baithkas, as the critical space of shared belonging for everyone, in bringing the communities together. It was, however, near perfect living in harmony. Incidents did occur though, such as when some people put

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#### Reference 521 - 0.01% Coverage

was practised in marriages.<sup>38</sup>

There are indications that the structures of dominance and exploitation were based on racism but these remains very subtle, except one case where respondent (R/197) clearly states that white plantation owners did not like black people, and sirdars were pressurised by the white field managers to mistreat labourers.<sup>39</sup>

#### 6. REFLECTIONS/ PERCEPTIONS OF LIFE

#### Reference 522 - 0.01% Coverage

students and for foreign students.

3. It appears from the responses that there were very limited avenues available for the redress of work place grievances. Labour Tribunals need to be strengthened and legal advice provided free.

4. The generation gap is

#### Reference 523 - 0.02% Coverage

#### SOCIAL CONDITIONS OF DESCENDANTS INTRODUCTION

It is ironic that we seem to know so much about the fate of indentured labourers in Mauritius and know so little about the experiences of workers in the sugar industry after the end of indenture. A cursory review of the literature on the history of employer and employee relations in the Mauritian sugar industry reveals that a majority of studies have focused overwhelmingly on the indentured labour period (e.g. Bissoondoyal 1984, 1986; Carter 1995; Allen 1999). That is not to say that no studies have focused on the working and living conditions of sugar estate workers after the end of indenture. For instance, the historian Daniel North-Coombes (1987) has provided us with a compelling account of the 1937 and 1943 strikes in the Mauritian sugar industry and what working conditions were generally like in the first half of the twentieth century. And the anthropologist Burton Benedict (1961), who conducted fieldwork in Mauritius in the 1950s, has provided us with a detailed study of the living conditions of Indo-Mauritians in villages and to a lesser extent in estate camps, a majority of whom were still reliant upon work in the sugar industry during this period. Nevertheless, one struggles to find any studies that address both the working and living conditions of sugar

estate workers in Mauritius since the end of the indentured labour period. The following study represents a modest attempt at redressing this gap in the literature.

To rectify this imbalance in the literature, I will be relying to a significant extent upon the oral testimonies of elderly sugar estate workers, most of whom are between the ages of 60-80, and were interviewed by research assistants working for the Aapravasi Ghat Trust Fund (AGTF). In 2009, three research assistants, Stephan Karghoo, Christelle Miao Foh, and Dreesha Teelwah, along with the assistance of a number of community facilitators, interviewed over four hundred respondents from different parts of the island who had either worked on a sugar estate or had some form of association with the Mauritian sugar industry. The informants were asked to reflect upon not only what working conditions were like in the Mauritian sugar industry when they were younger, but also aspects of their private lives and cultural customs. For the purposes of this study, however, I will not be focusing on such things as wedding ceremonies, religious celebrations, rites of passage, inter-ethnic relations, or any other feature falling under the more general rubric of the cultural customs and practices of sugar estate workers in the earlier part of the twentieth century. To do so would take the study well beyond the scope of the mandate of the Truth and Justice Commission (TJC), one of the aims of which is to address the "consequences of slavery and indenture labour during the colonial period up to the present".<sup>49</sup>

Some might argue that to ignore the cultural customs and practices of elderly sugar estate workers is to ignore a vital dimension of the "consequences" of the indentured labour period in Mauritius. However, I would beg to differ from this view. As many scholars would agree, culture is an autonomous product of the mind, and cannot so easily be reduced to either physical or material constraints, or the direct effects of working in the Mauritian sugar industry. By this, I do not mean to suggest that working and living conditions in Mauritius during the indentured labour period did not have any effect in shaping the cultural customs of Indian immigrants and their descendents. To do so would be very short sighted. But it is another thing entirely to argue that Indian immigrants came to Mauritius, empty-headed as it were, and let their lives be completely dictated to them by sugar planters. Culture, no doubt, was one of the few areas in which sugar planters found it more difficult to interfere in the lives of their employees. The example of African slaves who were brought to Mauritius before indentured labourers came from India and other parts of the world is an apt illustration. Many of their rights may have been denied to them as human chattel by slave owners, but that did not prevent African slaves and their descendents from finding ways to express themselves through music and dance or to cease practicing their spiritual beliefs.

The main benefit that stems

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the onset of the twentieth century. As a method of research, then, oral history can help us to redress some of these imbalances in the historical record and it can shed new light on old debates as I hope shall become evident in the course of this study. The type of people interviewed by the AGTF's research assistants and their community facilitators includes the views of field labourers, skilled artisans, sirdars, job-contractors, markers and other estate personnel. This study does not pretend to be able to encompass the views of all of these informants. Given that field labourers are the most numerous employees in the Mauritian sugar industry, it is inevitable that their views will receive more consideration than others. But this should not be taken to mean that the views presented in this report have been accepted uncritically, or without being exposed to some form of critical scrutiny.

There are instances for example where the informants tend to confuse certain details or fail to adequately specify at what point in time the events being alluded to in the interviews occurred. To a certain extent, this is to be expected, as we are dealing with events that occurred some time ago and peoples' memories are

limited by personal interests and biases. Yet in spite of these limitations, one can still discern recurring themes in the interviews pointing to similar experiences that Mauritian sugar estate workers experienced in the earlier part of the twentieth century. As I was not involved in collecting the interviews myself, and cannot read Creole and Bhojpuri or speak either competently, the two main languages the informants used to express themselves, I have had to rely on the assistance of a number of research assistants employed by the TJC. I designed a template that required the research assistants to listen to the interviews and write down details pertaining to a list of criteria I tried to ensure remained as open-ended as possible whilst focusing specifically on working and living conditions. Thus, I do not think it can be objected that the informants have been asked leading questions or that a narrow body of data has been chosen that seeks to only elicit critical views of the Mauritian sugar industry. This much can be discerned by referring to the questionnaire used by the AGTF's research assistants and the template I had the TJC's research assistants use which are included at the end of this report. (Audio records and transcripts of the interview are available too.) What I should also add is that I have chosen to interpret their views in accordance with one of the main criteria of the TJC Act, which is to address the "consequences" of the indentured labour period, and which I primarily interpret to mean how Labour Laws have affected the lives of sugar estate workers.

In addition to the oral testimonies of field labourers and other personnel involved in the Mauritian sugar industry, this study refers to a number of official enquiries commissioned by the British colonial authorities to investigate the working and living conditions of sugar estate workers both during and after the end of the indentured labour period. Towards the end of the indentured labour period, the British colonial authorities finally became more serious about tackling some of the injustices and abuses that had become a pervasive feature of the system at the end of the nineteenth century. In 1875, a Royal Commission was convened by the colonial government after being petitioned by a group of Indian immigrants who presented a list of grievances. When immigrants from India originally signed a contract agreeing to come and work in Mauritius they were promised they would be paid a basic wage and provided with free housing, medical assistance, and rations. However, many of the planters subsequently reneged on this agreement and either failed to pay indentured labourers the money they were owed for work they had completed or in many cases withheld their wages in order to try and re-indenture them. In addition to this, the medical attention they received was often less than satisfactory or their rations were arbitrarily reduced and they were forced to carry a ticket in order to allow them to travel beyond the radius of the sugar estate where they were housed and worked. Yet despite the fact that the 1875 Royal Commission highlighted these irregularities and made a number of recommendations to rectify this situation, many sugar estates in Mauritius were still failing to meet their legal responsibilities even after the end of the indentured labour period.

Nor should one assume that the official enquiries commissioned by the British colonial authorities were completely impartial or conducted as thoroughly as they might have been. One notices not only obvious discrepancies between the 1938 Hooper Commission and a similar enquiry by the Moody Commission in 1943 for example, both of which were commissioned to investigate the machinations of the Mauritian sugar industry after strikes by small planters and monthly-paid workers. But even in the Annual Reports of the Labour Department, established in 1938 to ensure that employers and employees met their legal obligations and to appoint field inspectors to conduct regular inspections of sugar estates, one also notices discrepancies in the reports written by the

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alternating Directors of Labour and Labour Commissioners. Where the 1938 Hooper Commission confidently declared for example that housing conditions in sugar estate camps were satisfactory and that planters were doing all they could to comply with the necessary Labour Ordinances and the Department's regulations. The 1943 Moody Commission unhesitatingly affirmed that sugar estate housing conditions in the north of the island left much to be desired, and that hospitals and medical dispensaries on sugar estates were often poorly equipped. Nor was the Labour Department above making the same kind of mistakes and displaying a pronounced sense of inconsistency in the official reports it released from one year to the next based on its inspections of sugar estates. Even so, these reports still provide us with an invaluable source of information about how working and living conditions in Mauritius have evolved over the course of the twentieth century and provide a welcome point of comparison to the oral testimonies of the informants interviewed by the AGTF's research assistants.

The crucial question put before us by the TJC is whether or not employers in the Mauritian sugar industry have been meeting their legal responsibilities since the end of indenture and how one should evaluate their actions in the broader context of what they have done or failed to do in the past. The answer to this question depends upon how one is to interpret the wording of the TJC Act, and one of its main criteria, which as I have already indicated, is to assess the "consequences of slavery and indenture labour during the colonial period up to the present". The meaning of this terminology is not as straight forward as it might seem. In the English language, the word "consequences" conjures up such commonplace meanings as "it is a result of" or

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of" or it is "an

implication of" the following. But can one go so far as to argue that sugar estates in Mauritius are culpable for the consequences of their actions if we are taking into account a time frame extending well beyond the twentieth century? "Truth Commissions", as they have come to be collectively referred to internationally, are relatively recent innovations intended for the most part to address crimes or wrongs committed against humanity in the twentieth century. Yet in spite of the wide yawn separating the indenture and post-indenture periods in Mauritian history, I intend to argue that the Mauritian sugar industry does appear to be culpable for the reckless and at times callous manner in which it has treated its workforce. And, in particular, of flouting its legal responsibilities under existing Labour Laws. However, I should also add that this judgement is not necessarily applicable to all sugar estates in Mauritius, some of which have a record of treating their workers well beyond what was required of them by law.

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##### OF THE 1875 ROYAL COMMISSION

In order to make the case that the Mauritian sugar industry is culpable for its past actions, it is essential that we demonstrate that the industry has a poor track record when it comes to the way it has treated its workforce. One way of establishing this is to refer to the judgements that were handed down by the 1875 Royal Commission and to compare these findings to the industry's track record in the post-indenture period. The 1875 Royal Commission was convened by the British colonial authorities after being presented with a list of grievances by a group of Old Immigrants who principally complained about abuses relating to the ticket-pass system enshrined in the 1867 Labour Ordinance. Not being sufficiently conversant in English, their complaints were presented to the colonial government by Adolphe de Plevitz, a planter of German

descent who offered a more comprehensive list of complaints of the injustices being committed by other planters under the indenture labour system in Mauritius. In their report, the Royal Commissioners sought to address both the petition of the Old Immigrants (or time-expired indentured labourers) and the various accusations outlined in Adolphe de Plevitz's pamphlet. The complaints outlined in de Plevitz's pamphlet were broader in scope and not only included criticisms of the behaviour of planters but also the failure of the colonial authorities to protect their British subjects. As part of their enquires conducted between 1872-1874, the Royal Commissioners interviewed various witnesses and visited 51 sugar estates and consulted the record books of estates to determine the validity of the accusations made by the petitioners and de Plevitz.

It is not the intention here to address all of the complaints pursued by the Royal Commissioners. Some of them, such as those pertaining to recruitment methods of immigrants from India, legality of contracts entered into in Mauritius as opposed to India, conduct of stipendiary magistrates empowered to pronounce verdicts on disputes between planters and labourers, ill-treatment of labourers by planters, or the abuse of the ticket-pass system, no longer seem to be relevant as they pertain more strictly to the indentured labour period. However, when it comes to complaints concerning the non-payment of wages and planters and sirdars or job-contractors making illegal deductions from the wages of labourers, or planters failing to provide adequate lodgings and sanitary conditions in estate camps, not only is it possible to demonstrate that these abuses continued after the end of the indentured labour period, but they are complaints that often appear in the oral testimonies of elderly sugar estate workers themselves. According to the 1875 Royal Commission, the non-payment of wages constituted one of the worst abuses of the indenture labour system as reflected in the large number of complaints brought before the courts by both Old and New Immigrants alike (Frere and Williamson 1875:582). Apart from keeping wages in arrears often for two to three months or more, the Royal Commissioners drew attention in particular to the "double-cut", a cunning method by which planters reduced the wages of labourers two days for every day they were recorded as being illegally absent. As the Royal Commissioners point out in their report, the double-cut was not in itself illegal, as what was originally viewed by the British colonial authorities with some degree of apprehension when it was first proposed by the planterdominated Legislative Council, eventually passed into law with the passing of Ordinance No. 16 of 1862 (cf. Frere and Williamson 1875:303-311). It was the actual manner in which the double-cut was used by planters, not to mention sirdars and job-contractors, to make deductions from wages by recording labourers as absent when they did not complete a set task that the Royal Commissioners deemed to be illegal.<sup>50</sup>

Not only did the double-cut enable planters to save enormous sums of money on wages,<sup>51</sup> but even more remarkably, immigrants who sought to lodge a complaint with the authorities or were imprisoned for an offence were fined a further two days of wages everyday they were absent, and in many cases it was used as justification to prolong their contracts or to force them to reindenture. As the Royal Commissioners point out in their report, this illegal use of the double-cut had become customary amongst planters and encompassed a wide range of deductions ranging from fining labourers for the theft of thatch or the loss of tools and even collecting grass or brèdes from rivers and streams without permission (Frere and Williamson 1875:310-311). But it was with respect to marking labourers as absent when they did not complete set tasks and making deductions from their wages without recourse to the decision of a magistrate which the Royal Commissioners found particularly objectionable. This "fiction", as it was described by one prominent colonial official

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who was interviewed by the Royal Commissioners, consisted of marking a labourer as "sick" for not completing a set task even despite the fact that the labourer had in fact worked on that day.

Regarding deductions for unfinished tasks

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Frere and Williamson 1875:310).

What confirmed how widespread this illegal practice was for the Royal Commissioners was when they consulted the pay books of sugar estates. Upon inspecting these books, such as those of a member of the Chamber of Agriculture, whose conduct the Commissioners presumed should have been more exemplary than others, they found clear evidence that the proprietor of the estate had been fudging his records (Frere and Williamson 1875:312). Apparently it was common practice for planters to mark labourers as absent for unfinished tasks in the columns of their books, but when asked by the Royal Commissioners to inspect their books and pay-sheets, it was evident that pencil notations had been deliberately rubbed out to mislead the Commissioners.

However, we should not be deluded into thinking that the illegal use of the double-cut to make deductions from wages of labourers was only restricted to the planters. Although mention is often made in the literature on indentured labour in Mauritius to the usurious rates of interest charged on loans to labourers by sirdars and job-contractors, rarely do we find any reference to the fact that sirdars and job-contractors also took advantage of labourers and "robbed" them of their wages (Frere and Williamson 1875:403). The 1875 Royal Commission seems to be less clear about the evidence against sirdars, who, like job-contractors, were resented by planters because they could not control them and also because they were highly dependent upon them. With respect to jobcontractors however, which the Royal Commissioners point out in their report is "closely connected with the Sirdar system-the Sirdar being, in fact, a job-contractor under another name", the evidence is much clearer. The Commissioners cite a report by a Stipendiary Magistrate named Mr. Daly, who, based on his half-yearly inspection of estates in the district of Savanne, claimed that

[J]ob contractors are, of all employers, the most unscrupulous in endeavouring to profit by the curtailing of their servants' wages, as he had, within the first six months, detected a system of illegal and unjust marking as absent, men whose amount of work or task did not satisfy the employing job contractor. He also, on the next page, mentions two cases, one at "Beauchamp," and another at "La Flora," where job contractors had marked for the forfeiture of wages, as if the labourer had been really absent, men who had not performed their allotted task (Frere and Williamson 1875:414)[.]

In fact, there is also evidence of job-contractors resorting to the double-cut in order to prolong the contracts of labourers in their gangs and of making false records in their pay-books. Just like planters, job-contractors were able to take advantage of the 1862 Labour Ordinance to mark as absent labourers who had to walk five miles to work and thus spent half their time walking rather than working, or of being able to gain one month of work at no expense if a labourer was absent 14 days in a month (Frere and Williamson 1875:416, 418). One of the reasons planters resented jobcontractors was because they were able to gain these benefits without having to provide the same kind of facilities that planters were required to by law. Yet there is evidence that some jobcontractors owned or ran their own estate camps and of even providing rudimentary medical care in some cases.

The 1875 Royal Commission is more equivocal when it comes to its pronouncements on the state of lodgings in estate camps. According to the Royal Commissioners, it was not until a new ordinance was introduced in 1867 that planters were required by law to provide lodgings for their labourers, as the provision of lodgings had until then depended upon the contractual agreement signed between the parties prior to the immigrant leaving India. However, as the Commissioners go on to point out in their report, it

had in fact become customary for indentured immigrant labourers from India to be housed by planters, and initially it would appear that many were housed in the former

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lodgings of slave labourers. The Royal Commissioners state that most dwellings in estate camps were made of thatch and straw, but they also visited several estates that had stone range barracks, among them "Mont Choisy", "Bois Rouge", "Trianon", "Antoinette", "Espérance", "Bel Air", "Benares", and "Labourdonnais", which struck the Commissioners as being superior to the more common thatch and straw huts (Frere and Williamson 1875:353). It turns out however that some of the labourers preferred thatch and straw huts to stone range barracks, the reason presumably being, according to one medical expert, that thatch and straw huts were healthier because "you cannot get contagion out of stone walls". It apparently never struck this medical expert or the Royal Commissioners that labourers preferred thatch and straw huts because they would not have been nearly as hot as the stone range barracks which were made no doubt of local volcanic stone and were less well ventilated than thatch and straw huts. Some labourers were also forced by planters to build their own dwellings. Yet nor does this mean that labourers were not willing to avail themselves to lodgings provided for them at the expense of planters after being required by law. After Ordinance No. 31 of 1867 was introduced, servants had brought 75 complaints against masters, but only 11 were proved because of the ambiguous wording of the law.<sup>52</sup>

Concerning its pronouncements on sanitary

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and of inadequate latrine provision.

On 206 estates from which we have received returns, there are only 13 on which there are any arrangements whatever for conservancy in the camps. At "Providence," as mentioned before, we found one camp swarming with pigs and filth, but the other as clean and neat as could be wished. So also at "Beauchamp," where the people were certainly well-treated, the camp was in bad repair, dirty, untidy, and swarming with pigs. The very excellent camp at "Labourdonnais" was dirty, notwithstanding that there was a most suitable "parc à cochons" for the pigs; and while the planters object to Government appointing the medical men, because it will sever the connection between the labourers and their employers and put an end to the interest the planters take in their labourers, they will not hear of being made answerable for state of the camps, in which they lodge their labourers and foster the causes of sickness, because if they should trouble themselves upon those subjects, the labourers will leave them, and go to other estates where they are allowed to do more as they please (Frere and Williamson 1875:351).

The general view at the

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Frere and Williamson 1875:350).

The Royal Commissioners did not reject out of hand the planters' argument that Indian immigrants were less conscientious about hygiene than Europeans seemed to be, pointing in particular to their propensity to use cane fields when latrines were not available. Nonetheless, they were adamant that planters should

be held to account and “made answerable, not only for the health of their labourers, but that their habits do not tend to injure, not only their own health, but that of others.” In their report, the Commissioners make a number of recommendations regarding how planters might improve sanitary conditions in estate camps, the introduction of a system of latrines being one of the most important conditions they identified (Frere and Williamson 1875:591). In addition to this, they also recommended that inspectors should be empowered to enforce

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##### SUGAR ESTATE WORKERS AFTER INDENTURE

The working conditions of sugar estate workers in Mauritius have changed quite considerably since the end of the indentured labour period. The construction of large factories and in particular the mechanization of tasks that used to be done by hand has radically transformed the industry, leading to massive reductions in the size of the workforce. But upon comparing the description of cultivation and planting techniques summarised in the 1875 Royal Commission (Frere and Williamson 1875:289-292) with that of the Hooper Commission, which was written in 1937 (Hooper 1937:113-118), it is remarkable how little things had changed within the first half of the twentieth century. Not only were the cultivation and planting techniques very similar, but even the tools that labourers used do not appear to have changed very much. Tools such as the pioche (hoe), pince (crowbar), and gratte (scraper), were still being used in the first half of the twentieth century to carry out tasks such as removing rocks and weeds that were being performed in the nineteenth century. And although neither the 1875 Royal Commission, nor the Hooper Commission, deign to mention it, it is more than likely that most labourers were also working in the cane fields barefooted and without any form of protective clothing. The consequences this had for the likelihood that labourers sustained work-related injuries will be discussed at a later point. To begin with, however, I would like to reproduce the Hooper Commission's description of what working conditions were like in the first half of the twentieth century in Mauritius. In spite of the fact that the Commissioners acknowledged there was no uniform method of cultivation in the Mauritian sugar industry, as conditions varied not only from one region to the next, but also from estate to estate, nonetheless, their summary provides us with a very good overview.

The tasks may be divided

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performed as one operation.

'Épierrage'.

The next task is 'épierrage' or clearing the land of stones and rocks. This is occasional work and does not always form part of the normal work of a labourer on a sugar estate. This is followed by 'pinçage', which consists of removing the stones from the holes with a 'pince' or crowbar.

Planting cane tops Truth and

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The land having been prepared for planting, the next operation is that of putting the cane tops into the soil. As soon as the labourer is in possession of the tops he makes them ready for planting, that is to say, he pulls off all superfluous leaves from the top and puts it in the hole, arranging it in such a manner that it sprouts easily; at the same time, he puts in manure and then covers the tops with earth.

Weeding

The next operation to

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virgin canes.

Cutting the cane

The next task is the first task of the crop season, which consists of cutting the cane, which is the principal task of all. It is generally admitted that the cutting of virgin canes is a harder task than the cutting of ratoon canes and higher rates are correspondingly paid for cutting virgin than for ratoon canes. It is estimated that a strong labourer can cut three tons per day, though this would not apply to B.H.10/12, the limit being two or two and a half tons per day, owing to the fact that the cane is of crooked growth and is tougher than the ordinary cane. This task includes that of carrying the cut canes to the railway line where the truck is standing; or to the path where the cut canes will be loaded onto carts to be taken to the factory, in the absence of a railway line. In the case of most small planters there is no railway line in existence and the cut canes have to be carried to the pathway in order to be loaded there on to a cart. It should be borne in mind, however, that if the place where the canes are being cut is situated a long way from the place to which the canes have to be carried in order to be loaded on the cart, the task becomes increasingly difficult of performance and, in all probability, a man who could cut a maximum of three tons per day when the task is situated near to the point to which he has to carry the canes to have them loaded on the railway trucks or cart, could not cut more than a maximum of two and a half tons a day. The task of cutting is frequently paid for at so much per gaulette, or measure of ten French feet.

Loading and transport

The next

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the cane in the factory.

The Hooper Commission's description of cultivation and planting techniques in the Mauritian sugar industry in the first half of the twentieth century is admittedly limited in some respects, as there is no reference for example to how estate land was ploughed prior to planting, be it either by oxen or mechanized tractors. But it should suffice for our present purposes, as the type of tasks that it describes are the same as those described by the elderly sugar estate workers who were interviewed by the AGTF's research assistants, most of whom were field labourers.

As the Hooper Commission's description of cultivation and planting techniques in the Mauritian sugar industry in the first half of the twentieth century implies, the main criterion used to distinguish men and women's work is the physical strength required to do arduous tasks. Lighter tasks such as spreading manure, weeding and removing straw from cane was usually performed by women or a third group of workers consisting of women, children and invalids and also appears to have been used as justification for paying them less than men (cf. Hooper 1937:166). However, it would also appear that women were required to perform more physically demanding tasks than men normally performed and were perhaps better suited to doing such as cutting cane, loading it, and the removal of stones. In an undergraduate dissertation by a

student of the University of Mauritius who interviewed four elderly female sugar estate workers, some of whom were still working at the time, several of the informants complained about having to perform physically demanding tasks in the past like loading cane. "We had to walk on the 'mardier' [wooden plank] to put the cane in the 'corbeil' [cane barrow]. It was ... very exhausting work for ladies like us. We had to put the cane on our head and walk along the 'mardier', which was very high. We used to fall down too (Sooben 2009:17)." The elderly female sugar estate workers interviewed by the AGTF's research assistants echoed this sentiment, but several of the informants<sup>54</sup> also claimed they were paid less for doing tasks men normally performed. It is difficult to determine the veracity of this claim. For instance, if we refer to the Annual Report of the Labour Department (ARLD) of 1945, which provides a detailed breakdown of the tasks men and women were supposed to perform and their rates of pay as outlined in an amendment to the Minimum Wage Ordinance of 1934, it states that women who work in the Grande Bande were not exempt from doing any tasks "except holing, uprooting, forking, and crowbar work".

In Mauritius, the "Grande Bande" and the "Petite Bande" is a way of organising workers into teams who are responsible for performing specific tasks going right back to the early days of indenture. These groups are still used in the Mauritian sugar industry today, and as I alluded to above, the main criterion used to distinguish the tasks that each group should perform is based on the physical strength required to perform certain tasks. This criterion has been used as further justification to determine the wage levels of workers in the two groups, with the obvious ramification that labourers who work in the Grande Bande are paid more than those working in the Petite Bande (or "granban" and "tiban", as Mauritian sugar estate workers more commonly refer to them in Creole). Yet while it is does not appear that women were exempt from doing physically demanding tasks such as cutting and loading cane for instance, tasks often described by both male and female informants as being the province of men who worked in the Grande Bande and which they accordingly rationalized was the reason men were paid more than women. The ALDR of 1945

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indicates that women who worked in the Grande Bande were being paid less for doing tasks that appear to be little different to that which men who worked in the Petite Bande performed (ARLD 1945:24-26). According to the ARLD of 1945 men who work in the Grande Bande are "required to perform any sort of unskilled or semi-skilled labour on a sugar estate", while men who work in the Petite Bande are "required to perform the same sort of labour ... but with a reduced task and not bound to do holing". This sounds like the same type of tasks that women who worked in the Grande Bande were expected to perform, and indeed if we compare the ARLD of 1956, which reproduces a copy of a collective agreement reached between the Mauritius Amalgamated Labourers' Association and the Mauritius Sugar Producer's Association, it states that women working in this group were not expected to cut or load cane.

Women, Class, I, Grande Bande-Labourers capable of performing and required to perform any task appertaining to unskilled labour, but not bound to do holing, uprooting, forking, crowbar work, loading, cutting, heaving cleaning, heavy buttage, [and] spreading manure involving the carrying of a load of more than 18 kilos of manure per basket" (ARLD 1956:21-22).

Thus it entirely conceivable those

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abide by the collective agreement.

Further light can be shed on these claims by referring to Labour Laws that have been enacted over the course of the twentieth century and how they have affected female sugar estate workers. It is of interest to note that until 1973, no law had been introduced delineating what types of tasks female labourers were expected to perform.<sup>55</sup> Although the Minimum Wage Ordinance of 1934 stipulated the rates of pay and types of tasks to be done by both male and female labourers, the amendment the colonial government made to the ordinance in 1944 was principally aimed at ensuring that sugar estates complied with the law and paid labourers the wages they were entitled to, as one of the main conclusions to stem from the 1943 Moody Commission report was that the failure of the industry to implement minimum wage rates was one of the chief causes of the 1943 strike. This apparent neglect of the rights of female labourers, which probably goes some way towards explaining why they were paid less for doing some of the same types of tasks as men, may also reflect their marginal position in the Mauritian sugar industry since the days of indenture. As Marina Carter (1992:115-116) has pointed out, Mauritius was exceptional insofar as after 1842, it was the only [British] colony which failed to engage Indian women as indentured labourers. The numbers of women formally employed on estates was consequently never very high, even in the principal sugar-growing districts ... In 1846 9% of the total Indian female population was registered as part of the plantation labour force. At the time of the malaria epidemic in 1867, less than 100 women were reported as working on the sugar estates. By 1871, when the next census was taken, this figure had risen, even so, only 7% of women [or 1,808 Indian females out of a total estate population of 24,425] were officially employed as plantation workers.<sup>56</sup>

With the end of indenture, however, the rate of women's participation rates in the Mauritian sugar industry's workforce gradually increased. According to Vijaya Teelock (2009:360), the Great Depression to a significant extent accounted for this increase. "Another effect of the Depression was to bring more women into wage labour: in 1921, there were for example, 9,373 Indian women working, by 1931 this had jumped to 14,674." These participation rates continued to increase after the Great Depression as more female labourers joined the ranks of the Mauritian sugar industry.

Probably no singular explanation can account for this dramatic rise in female participation rates in the Mauritian sugar industry as the twentieth century unfolded. The elderly female sugar estate workers who were interviewed by the AGTF's research assistants provide a number of different reasons as to why they decided to become labourers. Some women for example were forced to work after their husbands were incapacitated by a life-crippling injury, while others stated that after their husbands died, they had little choice but to become labourers in order to look after their children. Many of the informants also indicated that they opted to become labourers after

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getting married, though without always providing a succinct explanation for their actions. One is tempted to ascribe this decision to the need for women to play their part in contributing financially to the upkeep of poorer families, in view of the fact that there would be more mouths to feed after getting married and having children. But as tempting as it might be to point to rising levels of poverty as a way of accounting for these increases in female workforce participation rates, one has to temper this possibility against the knowledge that many women did not feel compelled to enter the workforce but instead preferred to stay at home in order to raise children or to work on their own land and to rear livestock (cf. ARLD 1950:30). One also has to ask why it is that sugar estates in Mauritius, which previously had shown an aversion to employing female labourers during the indentured labour period, increasingly opted to employ more female labourers over the course of the twentieth century. These numbers continued to increase such that

by the end of the Second World War, female labourers accounted for almost half of the Mauritian sugar industry's workforce, or a maximum of 18,126 female labourers at the height of the crop season in 1945 (ARLD 1945:46). It is important to note, however, that more female labourers tended to be employed during the inter-crop period whereas men made up the bulk of field labourers during both the inter-crop and crop periods. The same logic used to determine how much men and women should be paid for the types of tasks they performed, also seems to account for the industry's preference to employ more women to do lighter tasks between crops and for men to do heavier tasks such as harvesting cane when the crop has to be harvested.

As indicated earlier, after independence, a law was finally introduced restricting the types of tasks female sugar estate workers were allowed to perform. It was part of a wider political movement in the 1970s led by Paul Béranger and the Movement Militant Mauricien that sought to improve the working conditions of Mauritian workers. Although it may not have appeared so at the time, the introduction of a series of laws requiring sugar estates to provide workers with protective clothing represents perhaps one of the most important advances made on behalf of labourers in the Mauritian sugar industry by the trade union movement.<sup>57</sup> The failure or lack of willingness on the part of most sugar estates to furnish their employees with basic protective clothing is one of the most frequent complaints that appear in the interviews of elderly sugar estate workers. Perhaps more any other complaint, this issue demonstrates the callous attitude of the Mauritian sugar industry towards its workforce, for it appears that most sugar estates would not have felt compelled to do anything until forced to do so by the intervention of trade unions and the subsequent ratification of these demands by the national government. Although both male and female labourers often complain in their interviews of not being provided with protective clothing and of having to provide their own tools, the most poignant testimonies are usually furnished by elderly female sugar estate workers. For instance, one informant<sup>58</sup>

complained she would hurt  
herself

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informant<sup>58</sup>

complained she would hurt

herself when she had to remove straw from the sugarcane just prior to it being cut by male labourers (the process described as *dépaillage* in the Hooper Commission's summary above). She also says that she used to wear "linz lakaz", that is, her everyday clothes to work, and that workers were not provided with uniforms, boots, gloves and masks until after independence. Similarly, in Pamela Sooben's (2009: 16-17) undergraduate dissertation referred to earlier, the elderly female sugar estate workers she interviewed complained of having to remove straw from sugarcane. In order to protect themselves, they wore long socks over their hands, but that still did not prevent the straw from piercing their old socks and drawing blood from their hands. "When the sirdar asked us to remove 'divet' from sugarcane, especially 'canne coulou', we would run away because these "divet" pierced our old socks, hands and fingers. We also used to get rashes". These women also complained of finding it difficult to cook for themselves after a day's work because of the injuries they sustained to their hands while working in the cane fields without gloves (Sooben 2009:8).

It is instructive to compare photos taken of sugar estate workers in Mauritius in the first half of the twentieth century with ones taken more recently (see opposite page). In the older photos, the male and female labourers working in the cane fields are all working bare-footed and are attired in their everyday clothes. Whereas in the more recent photos, they are wearing boots and gloves to protect their feet and hands, a hat or scarf to cover their heads, and their uniforms are made of much thicker and sturdier material.<sup>59</sup> If we

are to go by the interviews collected by the AGTF's research assistants, it would appear that for much of the twentieth century, most Mauritians got around without any form of footwear whatsoever. For example, one informant<sup>60</sup> states he had little choice because tennis shoes were too expensive in those days. While a number of other informants describe the type of footwear they wore when footwear became more affordable, such as the "tanga", "mariposa", and "kalpa", which from what I have been able to gather were canvas

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slippers of some sort and sandals made of wood. Apparently, these types of footwear were not suitable for working in the cane fields and the informants usually opted to work bare-footed instead. Yet in spite of their lack of financial means, poverty did not prevent labourers from finding ways to protect themselves while working in the cane fields. Once again, the oral testimonies of female labourers are highly instructive in this respect. Some women wore long-sleeved shirts that they borrowed from either their husbands or a male relative in order to protect their arms from the sun and insects in the field, and many female labourers wore an apron made of "goni"<sup>61</sup> which they wrapped around their skirts to protect the outer layer of their clothing from wear and tear. Also, as Pamela Sooben (2009:8) points out in her undergraduate dissertation, female labourers used old socks to protect their hands when they had to remove straw from sugarcane, and as time passed more female labourers wore "chapeau la paille" or straw hats to protect their heads from the sun.

One could argue the Mauritian sugar industry may not have seen why they had to provide their workforce with protective clothing when for a greater part of the twentieth century they went without footwear and worked in their everyday clothes. To do so though would be to invoke the same type of reasoning that planters resorted to in the days of indenture to avoid incurring expenses on the grounds Indian immigrants faced worse conditions in their country of origin and there was no need to make any improvements. As the Royal Commissioners pointed out in their 1875 report, however, Mauritius was not India, and the planters bore a moral responsibility to ensure that they provided working and living conditions of benefit to the wider society (Frere and Williamson 1875:352). In any event, it is still odd that the colonial authorities themselves never seem to have recognized the importance of legislating for the provision of protective clothing for field labourers on sugar estates even though measures had been put in place to compensate workers for work-related injuries. The enactment of the 1931 Workmen's Compensation Ordinance covered workers who were incapacitated as a result of a work-related injury for a period of more than seven consecutive days. In addition to this, the Factories (Safety of Workers) Ordinance was enacted in 1939, but it principally applied to factory workers. Prior to 1960, the Annual Reports of the Labour Department do not provide details about the type of injuries that field labourers sustained on the job as they only focused on factory workers. In 1960, however, for the first time, the Labour Department provides a detailed breakdown of the type of injuries field labourers complained about to labour inspectors. Where the previous focus had been on factory workers, now the inspectors broadened their enquiry to include statistics of different industries, "cause of injury", "nature of injury", "location of injury", and "duration of incapacity". Of particular interest are their statistics for the sugar industry. As the statistics illustrate, out of a total of 3,152 work-related injuries recorded for the sugar industry in 1960, a majority of these injuries were of short duration, affected the upper and lower extremities, resulted in contusions, abrasions, and punctured wounds, and were caused by stepping on or striking against objects and the use of hand tools. In other words, the kind of injuries that field-labourers who are not provided with protective clothing are likely to sustain (ARLD 1960:53-57).<sup>62</sup>



But perhaps the most serious complaint that comes out of the interviews with elderly sugar estate workers are those pertaining to non-payment or under-payment of wages. It most clearly demonstrates a long-term pattern of exploitation by personnel in the Mauritian sugar industry going back to the early days of indenture. As I pointed out earlier, the 1875 Royal Commissioners concluded one of the worst abuses committed by planters were the illegal deductions they made from the wages of indentured labourers. It is highly disconcerting to learn, therefore, that these abuses appear to have continued well after the end of the indentured labour period. These abuses have not only been documented in the various enquiries convened by the colonial authorities into the machinations of the Mauritian sugar industry after the end of indenture, but are also underlined in more recent commissions of enquiry convened after Mauritius became a republic. More often than not, complaints pertaining to illegal deductions made from wages primarily apply to jobcontractors, but in the interviews collected by the AGTF's research assistants, there is also evidence that estate personnel and managers have been complicit in these abuses. A point not lost on the commissioners involved in both the Hooper and Balogh Commission enquiries (Hooper 1937:166-167; Balogh 1963:149-151), who noted that these abuses could not have continued without the tacit knowledge or cooperation of the managerial staff of the Mauritian sugar industry. The crucial question that remains, however, is how it is possible that these abuses were allowed to continue despite the fact that they have been extensively documented in the various commissions of inquiry into the Mauritian sugar industry convened since the end of the indenture labour period.

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The passing of the 1922 Labour Ordinance marks an important turning point in the history of Mauritius as it finally did away with the use of penal sanctions in civil contracts between planters and labourers and coincided with the end of the indenture labour system. However, it only covered immigrants and did not theoretically apply to Mauritian-born labourers and the forfeit of wages for breaches of contract was still allowed under this ordinance. It was only with the passing of the 1938 Labour Ordinance, which sought to implement the recommendations of the Hooper Commission of enquiry into the 1937 strikes, that fining labourers for bad or negligent work was finally disallowed. This ordinance was applicable not only to monthly but also casual workers and was responsible for introducing a raft of changes such as a six day working week and eight hour day, legislating for over-time work, the registration of trade unions, maternity allowances for women, the regulation of sanitary conditions on estate camps, and paved the way for a transferral of power from the Protector of Immigrants to the newly created Labour Department. Yet in spite of these legislative changes, there is evidence that job-contractors, sirdars and estate managerial staff were still marking labourers as absent when they failed to complete a set task or forced them to redo tasks they designated as unfinished. The use of the double-cut, or fining labourers two days wages for everyday they were absent, seems to have been discontinued with the end of the indenture labour system, although Daniel North-Coombes (1987:30) claims it was still being enforced in 1938. But that does not mean that the practice of marking labourers as absent when they had done a day's work, or "maron", in the words of the elderly sugar estate workers themselves,<sup>63</sup> and making illegal deductions from the wages of labourers was itself discontinued.

The oral testimonies of elderly sugar estate workers are quite emphatic on this point and suggest the practice was widespread in the Mauritian sugar industry. It affected both male and female labourers and the informants describe being forced to redo tasks or marked as absent and having their wages deducted by not only sirdars and job-contractors, but also field supervisors, markers and estate managers. For instance, one female informant<sup>64</sup> says that at the sugar estate where she worked, sirdars were harassing

labourers all the time and would tell them that their work was not satisfactory, and of being forced to start all over again. She said that at times the situation got so frustrating that she just wanted to sit down and cry. Another informant<sup>65</sup> describes the sirdars<sup>66</sup> where he worked as being very strict with workers and forcing labourers to collect wood for them, and alleges that when "markeurs" (i.e. pay-roll clerks) paid workers, they would rob them of their wages. An informant<sup>67</sup> who rose from being a field labourer to work as a marker himself, also describes sirdars engaging in these illegal practices, referring to it in French as "trucages". Describing his responsibilities as a sirdar, another informant<sup>68</sup> said that at the sugar estate where he worked, the "kolom" (or field supervisor) would check on the work of sirdars and labourers and that if he was not satisfied with the quality of the work, he would mark labourers as "ena sans al maron"<sup>69</sup> and that they "pa gagn zot kas".<sup>70</sup> Similarly, another informant<sup>71</sup> states that the manager of the estate where he worked would order sirdars to tell the labourers to redo their work if he was not satisfied with the quality of their work, even if they had done it properly. As the informant points out, "misie-la" (the estate manager) would come and check on the labourer's work after two days, hence by this time some of the weeds could have grown back, making it easier for him to find an excuse to tell the labourers to redo their work and deduct their wages. The informant added that he and his workmates could not contest the orders of the estate manager and they had no choice but to complete the "latas" (or load of work), even if they found it too difficult. Of course, this would have also made it easier to deduct the wages of labourers on the pretext that they had failed to complete the task required of them.

It should be pointed out that a number of informants confirm that there were instances of labourers not doing their work properly and describe sirdars and other estate personnel who they worked under as being very reasonable and pleasant to work with. But that should not detract from the fact that abuses have taken place, and that practices that one would expect to be more characteristic of the indentured labour period, continued after the end of indenture.<sup>72</sup> Complaints pertaining to the non-payment of wages, and in particular job-contractors, appear in the reports of various commissions of enquiry convened to investigate working conditions in the Mauritian sugar industry since the end of indenture but the problem never appears to have been stamped out. The Labour Department, later renamed the Ministry of Labour in 1962, and the Ministry of Labour and Industrial Relations in 1974, started documenting the complaints of labourers in their annual reports as early as 1938, and complaints pertaining to the non-payment or under-payment of wages are one of the most common complaints that appear in their reports.<sup>73</sup> As can be seen from their reports between the years of 1951-1980/81, which actually document the sums involved, the sums

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of money are quite significant, but it is also important to bear in mind that not all of these complaints would have applied to the sugar industry, and that a large number of the complaints were eventually resolved and in most cases labourers were reimbursed for lost wages.<sup>74</sup> But in view of the fact that these abuses were so extensively documented, year-in, year-out, in the annual reports of the Labour Department and Ministry of Labour, why were they not stamped out? To arrive at a better understanding of this complex issue, it is necessary to review what the various commissions of enquiry into the Mauritian sugar industry have had to say on the matter.

Most of the commissions of

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other issues, it states that

One of the principal complaints of the casual labourer is that before paying him his wages, the contractor, or entrepreneur, caused more work to be done by him than he was paid for, by using a false gaulette, retaining the difference for himself; the labourers claim that very often they are at the mercy of the contractors, as they do not know, or are not told, the amount of work they have done and have to take what the contractor gives them. They allege that the estates openly connive at the breach of the law by contractors, whose names occasionally are fictitiously borne on the estate books as estate employees, in order to save the contractor the necessity of paying the licence fee; and that estates frankly expected the contractors to take a small percentage of the pay of workers per gaulette in part payment for their services (Hooper 1937:166-167).

Noting the frank admission by some estate managers as to their lack of knowledge of precisely how much contractors were paying casual labourers since they paid contractors a lump sum for performing an agreed upon amount of work and left the payment of labourers in their hands. The commissioners recommended that one way of countering this problem was to have the estates pay labourers directly and to introduce a more thorough system of record-keeping of hours worked by labourers and wages paid, and that "the amount and remuneration for all tasks should be made public by being posted up on a board and that the measurement of all fields should be posted up". The commissioners also appear to have accepted the labourer's claim that contractors were cheating labourers by under-recording the amount of work they were actually doing by employing misleading methods of measurement (i.e. the

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As it turns out, both

recommendations were subsequently passed into law with the passing of the 1938 Labour Ordinance.

The Moody Commission was convened to investigate strikes led mostly by monthly workers in 1943 and does not discuss any complaints pertaining to the non-payment or under-payment of wages. However, these complaints resurfaced when the Balogh Commission was convened in 1962 to investigate further turmoil in the Mauritian sugar industry. Once again, the complaints primarily related to job-contractors contriving to pay labourers less money than what they were owed through the manipulation of the piece-rate system of payment.

Complaints have in fact been raised against this system for a long time. Allegations have been made to us and previous commissions about fraudulent practices. The main charge has been that in the conditions of unemployment or threatened unemployment, especially in the period between the crops when the labour market is slack, some job-contractors manipulate the piece rates by altering the task in such a way as to absorb for themselves the part of the remuneration due to the workers (Balogh 1963:149).

The commissioners go on to

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taking place, as measures had

specifically been put in place to "exclude such malpractices" along the lines first recommended by the Hooper Commission. Yet it is interesting to note that at least with respect to ensuring estates and job-contractors kept accurate records of hours and wages earned by labourers after the 1938 Labour Ordinance passed into law, the Labour Department was continually turning up evidence of poor recording keeping

practices and for which labour inspectors often fined them. These protestations of innocence may sound somewhat hard to believe coming from an industry that does not have a very good track record when it comes to honouring their legal agreements and who, with the benefit of hindsight, and the oral testimonies of elderly sugar estate workers, appear to be directly implicated in perpetuating these abuses. But of course the sugar estates have always had a vested interest in making sure the job-contracting system was not abolished as it would have put an end to one of their main means of recruiting workers, particularly since the industry has consistently been moving towards the employment of casual workers and the retrenchment of monthly or full-time workers for the greater part of the twentieth century.

In line with the findings of the Hooper Commission, the Balogh Commission proposed that the best way to eliminate these abuses was for the estates to pay labourers directly. But in contrast to the 1961 Meade Economic Report, it stopped short of calling for the abolition of the job-contracting system, even though the commissioners stated that they hoped "eventually the job-contracting will be replaced by more conventional methods of labour recruitment" (Balogh 1963:151). They, too, it seems, recognized the job-contracting system played a vital role as a method of recruiting workers for the sugar estates and desisted from making any recommendations that would hamper the ability of the industry to hire workers. The next time that complaints about job-contractors resurfaced was in the 1983 Manrakhan Commission of enquiry into the Mauritian sugar industry. The commission's allusion to this complaint is very brief, and for the most part relates to the fear labourers had of being employed on less favourable terms under job-contractors as a result of further pushes to mechanize the industry and retrench full-time workers during the 1980s (Manrakhan 1983:118-119). The key words here are "less favourable terms". In a conversation I had recently with the secretary of the Sugar Industry Labourer's Union, Mr. Revanand Ramjuttun told me that as more sugar estate workers accept Voluntary Retirement Schemes (VRS), many are reemploying with job-contractors under less favourable terms. Not only are they forced to sacrifice many of the benefits that they used to enjoy as full-time workers, but they are also being paid less than they were before and their bargaining power has been completely diminished. Thus, one is tempted to question just how beneficial VRS redundancy packages actually are for the average sugar estate worker in Mauritius.

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##### SUGAR ESTATE WORKERS AFTER INDENTURE

One of the main purposes of the AGTF's oral history project was to find out more about estate camp life as it is recognized that this way of life is fast disappearing.<sup>77</sup> But underlying this recognition was the problematic assumption that residents of estate camps are purported to be the direct descendents of the first waves of indentured labourers from India who were housed on the estates. This uncritical assumption is reflected for instance in the Hooper Commission's report which in comparing the complaints of casual and monthly workers during the 1937 strikes, states that monthly workers "are the descendants for the most part of the original indentured immigrants (Hooper 1937:161; cf. Hooper 1937:176). This assumption appears to be informed by the belief that estate camp populations are stable communities that have been insulated from demographic fluctuations and change. Thus, according to this line of reasoning, estate camp residents should be viewed as being the most direct descendents of the "original indentured immigrants", as the Hooper Commission report describes them, because their living conditions most

closely

approximates what life was

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their living conditions most  
closely

approximates what life was like for indentured labourers during the nineteenth century and their communities have remained largely undisturbed. But as the Annual Reports of the Labour Department show, after the end of indenture, estate camp populations were not in fact stable communities consisting of people who it can be claimed were the direct offspring of former estate camp residents, as these communities were subject to back and forth movements and the injection of new arrivals. For instance, in 1945, the Labour Department undertook a census of estate camps and not only determined that just under 50% of the population were born outside the estate camps but that "workers easily move from camp to village and back again as it suits their convenience, [while] others are firmly attached either to their village or to their estate camp".

There is another reason why this assumption is problematic. As I pointed out in a subsequent review of the various memoranda that were written detailing how to initiate the AGTF's oral history project, it is problematic to refer to estate camp residents as the "descendents of indentured labourers" without mentioning the thousands of time-expired and non-expired

indentured

labourers<sup>78</sup> who moved off

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expired and non-expired

indentured

labourers<sup>78</sup> who moved off the estates and established independent villages. The movement "A form of liberation: from the camp to the village", as Raj Virahsawmy (1984) has famously described this process, was already under way before the end of the nineteenth century, and it would appear that a majority of Indian immigrants were living in independent villages well before the turn of the twentieth century. As Benedict (1961:27) points out, "In 1861 there were 84,727 (44% of the Indian population) Indians living on estates. Ten years after the number had dropped to 61,893 (28% of the Indian population). By 1904 there were only 40,426, (approximately 15%) Indians left on estates". The reason it is problematic to refer to estate camp residents as the "descendents of indentured labourers" is because this implies that they are the only, or the most representative, descendents of indentured labourers living in Mauritius today. In this usage, the term is too finite and not flexible enough and seems to imply that it possible to accurately determine who can be regarded as a more genuine or "original" descendent of an indentured labourer. Rather than try to determine who is a true descendent of an indentured labourer, in this report I will be primarily focusing on Mauritian sugar estate workers, or in other words people working in the sugar industry after the end of indenture who are at the very least second or third generation born Mauritians.

A further consequence of this

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living in an agrarian society dependent on the export of a single cash crop. Benedict's ethnographic descriptions of village life in Mauritius is an indispensable aid for understanding what the living conditions of sugar estate workers were like in the earlier part of the twentieth century, and I will be frequently returning to his work in order to buttress my descriptions of living conditions in estate camps. Then there are also the

Annual Reports of the Labour Department and the various commissions of enquiry into the Mauritian sugar industry that provide us with further observations that Benedict overlooks in his ethnography.

For the average sugar estate

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and towns (Benedict 1961:54).

In addition to a number of other drawbacks such as lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet despite noting that these living conditions appealed primarily to the poor, who according to Benedict were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As I alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movement between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>87</sup> who stated it was only poor people who did not own property that went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>88</sup>

Although the elderly sugar estate

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by the AGTF's research assistants.

The other reason why Benedict suggests living conditions in villages were superior to those in estate camps is because they were less isolated and enjoyed access to social services and recreational facilities funded and maintained by government and village councils. Some of these amenities included public fountains, medical dispensaries, government schools, agricultural services, public transport, electricity, police and fire protection, shops, cooperative credit societies for small planters, post offices, social welfare centres, football fields, cinemas, and religious organisations and edifices. But as Benedict (1961:56) points out, even in spite of these advantages, the economic fortunes of most villagers in Mauritius still principally derived from labouring in the cane fields. (In fact, most of the elderly sugar estate workers interviewed by the AGTF's research assistants began working as "chokra" or child labourers, and like their forefathers before them, they worked as sugar estate workers until they retired.) This had two important ramifications. Firstly, it meant that during the inter-crop season when work was scarcer and wages were lower, labourers had to find other ways to make ends meet. One way of doing this was to find ways of turning agricultural and natural products into cash. Mention has been made of rearing livestock and selling cow's milk, but arranging concessions from estates to plant vegetables in between lines of sugar cane or collecting budes from the banks of rivers and streams and ravenal fronds from forests was one way of doing this, as was renting land from other villagers to grow cane and cash crops or planting market gardens in one's own yard.<sup>94</sup> According to Benedict (1961:74-76), however, the proceeds from these efforts were always converted into cash, because the average Mauritian required cash to purchase almost all of his basic needs, thus suggesting to him that there was little evidence of subsistence farming in Mauritius.<sup>95</sup>

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The susceptibility of labourers to the seasonal cycles of the sugar estates had another important ramification. It made them reliant on credit to tide them over during the inter-crop season (Benedict 1958; cf. Balogh 1963:60). Some of the most pertinent examples of these credit relations include Sino-Mauritian shopkeepers extending credit to their clientele and the loans that sirdars and job-contractors made to labourers to bind them more effectively to them. Benedict states he found no evidence of job-contractors charging high interest rates on these loans. But he (Benedict 1958:217) also points out that "A man who accepts a loan from a job contractor would feel obliged to work for him." He adds that job-contractors recovered their money by making deductions from the wages of labourers during the crop season, and if the oral testimony of the elderly sugar estate workers quoted earlier is anything to go by, this may have offered another opportunity to make further deductions from the wages of labourers at usurious rates. According to Benedict (1958:217), sirdars employed on estates had "much the same relations of borrowing and lending" with monthly workers, and that this arrangement ensured sirdars had an interest in employing labourers who they loaned money to. Thus notwithstanding the fact that some villagers had better housing and enjoyed access to government-funded social services and recreational facilities, what the foregoing discussion underlines is that the life of a sugar estate worker living in a village prior to the 1960s would not have been drastically different to that of an estate camp inhabitant. They may have had a wider range of economic options, but the casual worker was just as susceptible to the seasonal fluctuations of the sugar estates as the monthly worker was, and recourse to alternative economic avenues to make ends meet, such as *métayage* and share-cropping for instance, or relying on credit from shopkeepers and job-contractors and sirdars, seemed to have been the lot of most Mauritian sugar estate workers in those days.

Evidence of similarities in the living standards of casual and monthly workers can also be gleaned by reflecting on the diet and health of sugar estate workers in the earlier part of the twentieth century. Benedict (1961:11) states that after the Second World War, there had been an improvement in "living standards, including a better standard of nutrition and health". The principal measures Benedict relied on to make this assertion were increased fertility and a sharp reduction in mortality rates, in addition to the gradual eradication of malaria and development and welfare programmes financed by gains from the post-war boom in sugar production. However, there may be grounds for disagreeing with some of Benedict's prognoses. To begin with, it is not entirely clear that sugar estate workers benefited themselves from the post-war boom in sugar production, because as the Balogh Commission (1963:30-31, 53) stressed, real wages rose very little between 1939-1957 and was one of the main complaints aired by sugar estate workers who testified before the commissioners. What is more, the Balogh Commission (1963:61, 128-130) raises doubts as to whether funds allocated to help sugar estate workers build homes with interest free loans by the Sugar Industry Labour Welfare Fund reached its designated target.<sup>96</sup> In addition to this, the Annual Reports of the Labour Department, and the various commissions of enquiry convened to investigate the Mauritian sugar industry since the end of indenture, provide reflections on the living standards of sugar estate workers in the earlier part of the twentieth century, and cast doubts on some of Benedict's prognoses. Drawing upon Major Orde Browne's earlier enquiry into labour conditions in Mauritius, the Moody Commission (1943:32) concluded that: "The picture is ... that of a poorly paid, undernourished, sickly population, capable of only such limited output of work that an increase of wages offers little promise of improved performance." Only two years later, the Director of Labour was issuing further warnings about the sickly state of Mauritian sugar estate workers in the 1945 Annual Report of the Labour Department.

When a group of labourers in the sugar industry is seen, when their appearance is noted, their bare feet, their ragged clothes, their eye-balls yellow with fever, their small stature, their emaciated limbs with

outstanding bony joints, their shins often scaly as a result of malnutrition ... it is possible to ask whether the higher cost is paid by the purchaser of the sugar or by the producer of it (ARLD 1945:8-9).

It is in Major Orde Browne's 1943 report on labour conditions in Mauritius that the subject of the malnutrition of the sugar industry's workforce begins to receive more sustained attention. According to Major Orde Browne, the diet of Mauritian sugar estate workers was noticeably deficient in protein and showed a marked dependence on rice and carbohydrates. Major Orde Browne's observations are not only corroborated by the Annual Reports of the Labour Department, but are also reflected in the oral testimonies of the elderly sugar estate workers interviewed by the AGTF's research assistants, and in Benedict's own description of the diet of casual workers living in

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##### AND SOCIAL CONDITIONS OF DESCENDANTS

villages. As part of their attempt to determine the cost of living for labourers working in the sugar industry, which the Minimum Wage Advisory Board used to assess claims put before them for wage increases in industrial arbitration disputes, the Labour Department had begun to gather detailed estimates of the budget of labourers. A notable feature that comes out of their estimates of the budget of the average labourer working in the sugar industry is the small proportion of their wages they spent on protein. Apart from fish, goat's meat was the principal form of animal protein consumed by the average sugar estate worker. The elderly sugar estate workers interviewed by the AGTF's research assistants also testify to the lack of protein in their diet. In their oral testimonies, the informants state they mostly ate rice and various types of vegetables, and could only afford to eat meat on special occasions. As I pointed before, this normally consisted of purchasing canned fish which they curried with tomato when relatives visited, or sacrificing a goat for New Year's Eve. Benedict's description of the diet of sugar estate workers living in villages lends further support to this finding. He reiterates that goat's meat was only consumed on special occasions and for lunch the average sugar estate worker or a person of less means usually ate rice with potato curry and some leafy green vegetables (1961:15, 78, 81).

The poor health of the

#### Reference 556 - 0.01% Coverage

colony's population was suffering from ankylostomiasis, or hookworm disease as it is more commonly known as, and that the highest rates of infections were recorded amongst the labouring classes in the colony's rural areas (cited in Balfour 1921:18). Kendrick urged the colonial authorities in Mauritius to cooperate with the International Health Board in trying to eradicate the disease, and it appears the British did not hesitate in taking up the generous offer of financial support from the Rockefeller Foundation after being actively encouraged to do so by Balfour.

While there was little doubt

#### Reference 557 - 0.03% Coverage

account of the industry.<sup>100</sup>

But when it came to improving sanitary conditions and introducing a more effective latrine system, which was one of the principal recommendations to come out of Kendrick's report on hookworm disease in



Mauritius, there is evidence many sugar estates were negligent in complying with their legal obligations as first stipulated in the 1878 Labour Ordinance and reiterated in subsequent labour ordinances promulgated after the end of indenture. Although the 1937 Hooper Commission insisted that housing and sanitary conditions in estate camps were satisfactory, the 1943 Moody Commission was much more condemnatory. Based on their inspections of estate camps in the north of the island, which is where the 1943 strikes led by monthly workers first flared up, the commissioners stated that "much remains to be done to improve housing, health and sanitation, and the general amenities of living" (Moody 1943:58). The commissioners were particularly critical of the state of latrines in estate camps, and suggested that it encouraged labourers and their families to "adjourn to the neighbouring bush or field, apparently quite unconscious of the fact that their action constitutes a grave danger to the general health in the spread of ankylostomiasis and other diseases". Labourers who testified before the commissioners also complained of lack of access to potable water in estate camps and having to walk long distances to obtain water for drinking and domestic uses. One can detect a similar degree of inconsistency in the Annual Reports of the Labour Department, which in 1938 for instance concluded "that the conditions of camps where labourers reside, was on the whole satisfactory" (ARLD 1938:14). Then in its 1943 and 1944 annual reports was proclaiming that "housing conditions on estate camps are still poor" and of the need to improve sanitary conditions (ARLD 1943:5; ARLD 1944:4). The newly appointed Director of Labour, Mr. R.C. Wilkinson, who assumed his duties in 1944, claimed that even if provided with suitable sanitary conveniences, labourers would prefer to use "neighbouring cane fields" (ARLD 1944:4).

But as Mr. James Stirling, who replaced Wilkinson as Labour Commissioner in 1951, pointed out in the ARLD of 1954, after estates built more detached concrete dwellings for families with kitchens, bathrooms and toilets, labourers took a keen interest in their proper maintenance and were making effective use of the bathrooms and camp latrines (ARLD 1954:11). And as I alluded to earlier, Benedict also drew attention to the poor condition of latrines in estate camps in his ethnography, the fieldwork for which it is important to bear in mind was conducted at the end of the 1950s, showing that not much had improved in that time.<sup>101</sup>

The key point to underline here is that so long as sugar estates continued to neglect their responsibilities and failed to provide sanitary conditions in estate camps it is inevitable this would have encouraged labourers to use cane fields and contributed to the spread of hookworm disease amongst the Mauritian population. Hookworms are dependent on human hosts to reproduce which they do by passing from the intestine as eggs before being deposited in faecal matter where they grow into larvae and wait for their next hosts to mature into adults. Failing to provide hygienic or suitable latrines and in effect ensuring that labourers had little choice but to use cane field provides ideal conditions for hookworm parasites to thrive, as it is through soil contamination that the disease is spread. Of course, one cannot lay the blame squarely on the shoulders of the sugar estates, as there is every reason to believe that villagers who lived within the vicinity of an estate would have used the cane fields if they did not have a system of conservancy in place in their own homes (cf. ARLD 1945:3). And things would not have been helped by the fact that most Mauritians went around barefooted for a greater part of the twentieth century, as hookworms find their way into the intestinal tracts of human hosts by penetrating either feet or hands before moving up through the body. In addition to this, the fact that many Mauritians had earthen floors in their homes would have provided ideal conditions for the larvae of the hookworm parasite to reproduce, as studies have shown that the disease is more prevalent in rural areas because housing in urban areas is more likely to have wooden or concrete floors (Desowitz et al. 1961; Hotez 2008).<sup>102</sup> Yet the fact remains that most sugar estates would have been aware of the relationship between poor sanitation and the spread of hookworm disease as the colonial government made every effort to implement the recommendations of the International Health Board and launched a comprehensive education campaign to combat the disease. Therefore to flout these responsibilities, and which the Annual Reports of the Labour Department indicates was continuing up until at least 1953-1954, which is the last time the department's labour inspectors made a concerted effort of

registering breaches of health regulations in estate camps,<sup>103</sup> constitutes a reckless act that exemplifies a lack of respect for the health and well-being of others.

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#### Reference 558 - 0.02% Coverage

and their families.

#### CONCLUDING REMARKS

As stated from the outset of this study, the most comprehensive accounts that we have of the lives of Mauritian sugar estate workers in the post-indenture period comes to us from Daniel North-Coombes and Burton Benedict. It is instructive to compare their respective accounts of the lives of sugar estate workers after the termination of the indenture labour system in Mauritius, as each of them had different objectives and foci due in part to their methodological biases. For instance, where North-Coombes was more concerned with class-conflict and the various forms of exploitation that existed in the Mauritian sugar industry, Benedict evinced an approach that sought to pay greater attention to the living conditions of ordinary Mauritians, even if this meant that he tended to overlook signs of class-conflict and tension in Mauritian society. In the final analysis, both approaches are of equal value in any attempt to reconstruct the history of Mauritian society, but what this study has shown is that it is just as important to consult the opinions of those affected by these events. The voices of elderly sugar estate workers has shown to us there were important matters that have been overlooked by both North-Coombes and Benedict, and which places the recent past into sharper relief. I am thinking in particular of the fact that estate managerial staff and sirdars and job-contractors conspired to abuse the rights of labourers by continuing to mark them as absent, or "marron", and deducting their wages for failing to complete unreasonable estimations of set tasks. One would have thought that these abuses would have discontinued after the end of indenture, but quite clearly, that was not the case.

Upon further inspection, however, Benedict's observations turn out to be extremely prescient insofar as he seems to have anticipated that tensions between sugar estate workers and planters would eventually come to a head. As early as 1961, Benedict was warning that if "Indians" and "Franco-Mauritians" failed to come to terms with the legacy of the indentured labour period, that this would have negative repercussions for social relations between the two groups in the future. Yet as instructive as these observations may have turned out to be, Benedict failed to make an extremely important distinction. It is one thing to narrow the source of the conflict down to ethnicity, but what Benedict ignored was the class relationship underpinning this tension. Benedict was writing at a time when studies of "plural societies" were very much in vogue and came out of an older anthropological tradition that stressed order and stasis, rather than conflict and change. This is reflected in the fact that Benedict (1961:23) reduced the source of these societal tensions to the indentured labour period, and ignored more recent commissions of enquiry convened to investigate the Mauritian sugar industry. As the Moody Commission (1943:162-168) pointed out in its recommendations, a climate of suspicion and distrust tended to characterise relations between the industry and its workforce, and the Commissioners were insistent that the most pressing problem facing the industry was the "human factor". A point both the 1963 Balogh and 1983 Manrakhan Commissions<sup>105</sup> would return to in their later reports.

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#### Reference 559 - 0.01% Coverage

considered unjust or morally reprehensible.

From the claims that have been presented in this report, at the very least, one would think that certain aspects of the Mauritian sugar industry need more effective regulation and to ensure these abuses are not still being committed. In particular, the job contracting system, which according to all reports is alive and well in Mauritius, is seemingly responsible for continuing abuses with the apparent complicity of the sugar industry. This was pointed out by Mr. Revanand Ramjuttun, the secretary of the Sugar Industry Labourer's Union and it was disconcerting to learn from an elderly female sugar estate worker who I personally interviewed in 2010, that after taking up a VRS offer, she re-employed as a casual worker and complained of being denied most of the basic rights she formally enjoyed as a full-time worker. Another issue to consider is whether those sugar estates that failed to comply with sanitary regulations should be held accountable for the spread of hookworm disease in retrospect, as an amendment to the 1931 Workmen's Compensation Ordinance made it possible to claim compensation from industries responsible for the spread of diseases amongst their workforce. There are also the allegations of the Balogh Commission which raised concerns about the manner in which funds were handled by the Sugar Industry Labour Welfare Fund. This issue never seemed to have been adequately resolved.

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#### Reference 560 - 0.01% Coverage

##### SOCIAL CONDITIONS OF DESCENDANTS ACKNOWLEDGMENTS

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AND SOCIAL CONDITIONS OF DESCENDANTS

LIVING AND WORKING CONDITIONS OF DESCENDANTS OF INDENTURED LABOURERS

By

SOPHIE LE CHARTIER Applied

#### Reference 566 - 0.01% Coverage

SOCIAL CONDITIONS OF DESCENDANTS INTRODUCTION

Mauritius was a sugar plantation colony whose development relied essentially on the availability of plantation land, cheap labour and inflow of capital from metropolitan country.

During the 18th and 19th centuries, slaves from Madagascar, the African and neighbouring Continents constituted the main source of free labour capital until the abolition of slavery in 1835.

Following the emancipation of the slaves in 1834/1835, the Royal Commissioners (1909), reported that the freed slaves were unwilling to work for their former masters who, thus, had recourse to Indian indentured immigrants as source of labour. Allen (1999, p.16) affirms that facing scarcity of agricultural labour estate owners with the support of the colonial governments of Mauritius had Indian opted for Indian immigrations as alternative source of cheap labour.

He published that approximately 9

#### Reference 567 - 0.01% Coverage

following historical events encouraged the

institutionalisation of the indenture system as 'new labour regime'.<sup>106</sup> Firstly, labour scarcity resulting from high mortality rates amongst the slave population before the abolition of slavery. Secondly, the labour crisis following the withdrawal of the ex-apprentices from the estates after the abolition of slavery and, thirdly, the expansion of sugar production as the economic mainstay of the colonial economy.

Mass unemployment in the labourers' country of origin furthered this labour movement to the host developing countries facing labour shortages. The 'exodus' of the Indian Diaspora is part of the dynamics of the capitalist system of production and should be situated within the social, economic and political situation prevailing in India and Mauritius.

The successive failures of the importation of African, Malagasy and Chinese indentured labourers gave impetus to the importation of Indian indentured immigrants, commonly referred to as Coolies. The Coolies came as agricultural labourers to meet the increasing demand of labour intensive sugar plantations for a cheap and docile labour force that was the nucleus of the Capitalism production system.

According to Aapravasi Ghat Trust Fund, the importation of Indian labourers between 1829 and the first half of 1834 was a failure and it is only as from the second half of 1834 and following the official abolition of slavery in 1835 that large-scale immigration of Indian indentured labourers spurred. Except for temporary suspensions, during the indenture-ship period, between 1834 and 1924 (the system was officially abolished in 1939), the AGTF recorded that approximately 450,000 Indian labourers migrated to Mauritius with some 290,000 remained permanently on the island and approximately 160,000 returning in their home country and others migrating to other countries.

The importation of Indian indentured labourers slowed down as from 1906. In 1909, the Royal Commissioners (1909, pp. 15-16) reckoned that one third of the estate labourers were Indian immigrants that were introduced under the indentured system and the remaining two thirds were Indo-Mauritians referring to natives of Hindu faith.

The forced and voluntary diasporic

#### Reference 568 - 0.01% Coverage

cultural, religious and political landscapes.

This report describes the living and working conditions of the sugar estate labourers in 21st century Mauritius. It is part of a research project entitled 'Oral History of Descendants of Indentured Labourers', whose objective is: to uncover the life experiences of the descendants of indentured labourers that were, or are still, living and working on sugar estates.

This project aims at addressing one of the Truth and Justice Commission's (TJC) missions to assess 'the consequences of slavery and indentured labour during the colonial period up to the present'.

Reference 569 - 0.01% Coverage

is divided into two parts:

The first part is on the working conditions of the estate workers and the following themes are developed: (i) occupation patterns; (ii) gender discriminations amongst the work force; (iii) work duties and promotional prospects (iv) Child Labour; (v) wages and other work benefits, and (vi) wage cuts and discriminatory practices.

The second part is on

Reference 570 - 0.01% Coverage

transcripts.

Limitations of the report

As stated earlier, the above-mentioned oral history project aims at investigating the consequences of indentureship on the descendants of the Indian indentured labourers. It should be highlighted that this analysis is not representative of the life-experiences of the descendants of the Indian immigrants that migrated to Mauritius under the indenture system, in that the sample of respondents was limited to former sugar estate workers who are assumed to be of Indian indentured descent. The white-collar and other blue-collar employees were not interviewed.

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Reference 571 - 0.01% Coverage

AND SOCIAL CONDITIONS OF DESCENDANTS

Furthermore, Mauritians of Islamic faith, descendants of indentured Labourers, also were not interviewed. In fact, although the majority of Muslims who migrated to Mauritius were free Gujarati traders, yet, a minority came as indentured labourers.

The people interviewed are assumed

Reference 572 - 0.01% Coverage

from Chennai as agricultural worker.

Their knowledge of family history remained restricted to one or two generations because of limited genealogical memory. In addition, some did not know their grandparents who died before their birth or when they were underage. They did not know if their ancestors came as indentured labourers or free passengers, and when and why they migrated to Mauritius.

For example, Bhudyea's mother and

Reference 573 - 0.01% Coverage

might have come from abroad.

Moreover, most interviewees have never heard of the terms coolie, travayer engaze (Eng. trans. Indentured labourers) and other related terms. In fact, only Goinsamy stated that he had heard the term coolie. His father, grandmother and people living the neighbourhood told him that is grandfather was a coolie who worked as watchman on the estate.

For most of them, they

#### Reference 574 - 0.01% Coverage

Trois Boutiques Camp de Masque

Occupation Labourer

Labourer Labourer

Plumber Labourer

Business owner

Pamplemousses Labourer Plaine

#### Reference 575 - 0.01% Coverage

Labourer

Plumber Labourer

Business owner

Pamplemousses Labourer Plaine Magnien Plaine Magnien

Reunion - Vacoas Rose Belle Unknown

#### Reference 576 - 0.01% Coverage

Fuel

Grande Rivière Sud Est

Labourer Labourer Labourer Labourer Sirdar

Sirdar Sirdar Seamstress Tailor

Labourer

#### Reference 577 - 0.01% Coverage

Sirdar

Sirdar Sirdar Seamstress Tailor

Labourer Labourer Labourer

The workers' profile shows that

#### Reference 578 - 0.01% Coverage

because of declining sugar prices.

In the sample, the labourer strata is over-represented, which implies that the other occupation stratum such as Sirdar (Labourer supervisor) and the métayer (Sharecropper) are under-represented and not represented.

## 2.WORKING CONDITIONS Occupational Patterns

### Reference 579 - 0.01% Coverage

## 2.WORKING CONDITIONS Occupational Patterns

Family histories revealed a generational transmission of occupations with the respondents and their elders (parents and grandparents) performing almost similar jobs. For generations, they were estate agricultural workers employed as labourer and/or Sirdar (Eng. trans. Overseer).

Furthermore, across generations some respondents

### Reference 580 - 0.01% Coverage

families already working for them.

For example, Goinsamy and his sisters worked as field labourer, on St. Pierre estate as his father and his grandmother on his father's side. Tyaciitee was working as plumber on Fuel Estate and now his daughter does as well.

...Eh ou bane paren ki travay zot ti pe fer? samem labourer mem...Be eski ou ti pe travay dan karo kann? wi karo kann...St Pierre...ou bann frer ou bann ser eski zot ti pe travay dan karo kann? wi ti pe travay dan karo meme... 107

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### Reference 581 - 0.01% Coverage

## AND SOCIAL CONDITIONS OF DESCENDANTS

(Eng. trans: And your parents which job did they do? Same labourer...But you worked in sugar cane field? Yes in sugar cane field...St Pierre...Your brothers and sisters were working in sugar cane field? Yes they also worked in sugar cane field...)

Based on the testimonies, even if the respondents faced limited employment opportunities, their children and the present generations were able to seize opportunities offered and are not working as agricultural labourers.

...Lerla monn gagn enn garson

### Reference 582 - 0.01% Coverage

Madhumati she went to Australia...)

Differences in occupational patterns were identified with the respondents' children and grandchildren working as office workers or public servants and doing white-collar and blue-collar jobs. Most interviewees stated that their children were not agricultural labourers and do not work on estates.

For example, the children of

### Reference 583 - 0.01% Coverage

discriminations amongst the work force



Despite the Annual Reports of the Labour Department and Ministry of Labour prior to 1973, analysed by Couacaud, indicating that women should be paid equal wages for doing equal work, differential wages between men and women persisted. This discriminatory practice was corroborated by testimonies which revealed that women and children were paid less than men and even half less.

...si ou pe koup kann

#### Reference 584 - 0.01% Coverage

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VOL 3: PART I - INDENTURE – ECONOMIC AND SOCIAL CONDITIONS OF DESCENDANTS Child Labour

Under colonial rules and in the post-Independence period, child labour was sanctioned and institutionalised. Chokras (Eng. trans. Child labourers) and women were a source of cheap labour for the estates.

Furthermore, child labour was a means for families to secure additional income. Children had a financial obligation towards their families, and hence all the respondents started working at an early age, as young as 7 years of age.

Dananan started working at 7

#### Reference 585 - 0.01% Coverage

Work duties and Promotional Prospects

The respondents who were Sirdars, initially were labourers and later were promoted to the post of Sirdar, such as Mardemootoo who was employed as labourer and then was promoted to Sirdar and Goinsamy.

Often, their promotion was accompanied with a wage upgrade and for some, like Satianand, it was an opportunity to become a landowner. He started working as a field labourer in 1949 and in 1962, he was promoted to Sirdar and the same year, he bought a plot of land where is currently living.

In the hierarchy of Management, the Sirdar and the field labourers were at the bottom the pyramid. The kolom (Eng. trans. Field supervisor) also named, by some informants, as the Ti-Sef (Eng. trans. Small Chief) was the middle manager. The estate manager, referred to as the Gran-Sef (Eng. trans. Great Chief) was at the top of the pyramid.

Sirdar

Both men and women

#### Reference 586 - 0.01% Coverage

top of the pyramid.

Sirdar

Both men and women could be a labourer supervisor. Yet, Sirdars outnumbered Sirdarine (Female labourer supervisor). Some respondents mentioned that the Sirdar was a literate person, but it seems that literacy was not a core promotional criterion, given that some Sirdars were illiterate.

For example, Dananan started work as field labourer and when the Kolom saw that he was a hard worker and was meticulous in his work, he was promoted to Sirdar. He stated that he is illiterate because he abandoned schooling at an early age to start work.

The main duty of the Sirdars was to supervise the field labourers and to take attendance. Other work obligations varied from one estate to the other; for example as on some estates, they did supervision work and on others, they did manual work as well.

For instance, when Bawol arrived at the field, he recorded the names of the labourers who were present and absent, the time they arrived and the number of labourers present. He gave the records to the Kolom. There were approximately 4 to 5 groups of labourers, both men and women.

Each Sirdar supervised a group of approximately 25 labourers.

When Mardemootoo worked as Sirdar on Rose-Belle Estate, he had to control the pay-slips of the labourers every Thursday and on Fridays; the management (he might refer to the Kolom and Marker (Eng. trans. Payroll office)) came to his office. When the labourers received their payment, they signed to attest that their pay was accurate and he sent them to the Accounting Department.

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#### Reference 587 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

Some interviewees stated that the Sirdar decided when lunch-time was and at what time work finished, distributed work tasks and gave instructions (that the Kolom gave him the day before) to the labourers. Others like Mardemootoo declared that the Section Manager (that is the Field Supervisor) distributed the work tasks and informed the labourers in which sections (the fields were divided into sections) they worked. The Sirdar was answerable to the Kolom who controlled the labourers work at the end of each working day. When the Kolom was not satisfied with the quality of the work, he scolded the Sirdar who, subsequently, scolded the labourers and, sometimes, even hit the workers.

Bhudyea testified how when the Gran-Sef blamed the Ti-Sef, the latter reprimanded the Sirdar who, subsequently, scolded the labourers and at times took his revenge on the labourers for having been blamed. The Gran-Sef and the Ti-Sef were 'White' men and Dananan affirmed that the Estate Manager was in contact neither with the Sirdar, nor with the labourers.

The sugar estate was structured

#### Reference 588 - 0.01% Coverage

the orders to the Sirdar.

Even if the Labour Ordinance Act 1938 regulated the working hours to 8 hour, yet it seems that the piece-rate system of payment was maintained and apparently, the Sirdar took advantage of the system. Satianand testified that the more work the labourers completed, the more money the Sirdar earned.

Field Labourers

The conditions of the labourers working for job contractors, and of others who worked for the estate, differed. It seems that those working for the job contracts experienced more discrimination (see Couacaud report).

The labourers' working day started

#### Reference 589 - 0.01% Coverage

at five in the evening.

The provision of transport facilities became mandatory with the proclamation of the Labour Acts 1975 that lays down that when an employee's place of work is more than 3 miles from his/her place of residence and the worker is required to work between 9.00 p.m. and 5.00 a.m., the employer should provide him/her with transport. Where facilities of transport by bus are available at the time the worker is required to start or to

cease work, a sum equivalent to the bus fare for the return journey between his usual place of residence and the place of work.

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#### Reference 590 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

The field labourers' work was physically strenuous, and they were forced to work whatever the weather conditions because, in the past, they did not benefit from sick leave and of local leave. Even if, in keeping with the Royal Commission Report (1909), after the outbreak of Suma in 1902, mechanical transport and traction engines were used for the transportation of sugar cane, yet, the respondents affirmed that sugar production relied essentially on manpower, there were no machines and no animals. Indeed, mechanisation of labour-intensive field operations, such as removal of old cane stubbles, planting and sowing, was a late 20th -century incentive as a solution to labour shortage.

Wages and other work benefits

#### Reference 591 - 0.01% Coverage

make use of protective equipment.

Before the amendments to the Act and to the Sugar Industry Relations Act 1983, it seems estates did not provide protective clothing (gloves, boots, mask and coats) to the field labourers who went to work with their linz lakaz (Eng. trans. House clothes) and bare-foot. Some, like Indrawatee, sewed their own protections such as long sleeved blouses to protect their arms and trousers to protect their legs. Because it was slippery, they did not wear slippers, as they could hurt themselves and lose their slippers.

Based on Bawol's testimony, following

#### Reference 592 - 0.01% Coverage

to the nearest civil hospital.

Regarding tools, while some estate provided the labourers with tools such as billhook, hoe, and scrape, others like Dananan used their personal equipments that they purchased.

During the 'bad old days'<sup>114</sup>, the rights of the estate workers were not recognized, neither respected nor protected, until the Labour Movement in the 1930s such as the Society for the Welfare of Mauritian Workers and later the Trade Unionist Movement, fought for better wages and work conditions. Their fight, subsequently became the main thrust of the Labour Party and the Mouvement Militant Mauricien's political campaigns.

The 'bad old days' and the harsh and oppressive working conditions on the sugar estates led to the small planters' riots of 1937 and 1945 and to the strike of 1938. The labourers claimed better wages and better working conditions. Although she was young, when these events happened, Neelvadee testified how her mother used to narrate her stories about the strike on Belle Vue Harel.

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#### Reference 593 - 0.02% Coverage

current social and economic crisis.

The Lalit Movement in 2009 published that Rose-Belle Sugar Estate, a State-run sugar estate, was employing labourers on a casual basis and the latter, unlike the other employees, received gloves and nets only and were not given raincoats, boots and tools. Moreover, the estate sent an overseer to supervise gangs of casual labourers. These casual labourers were formerly employed labourers who for the last 10-15 years took their Voluntary Retirement Scheme lump sum and a plot of land. Now, the estate labourers received a daily wage of 171 rupees only and did not receive either a sick leave or a local leave nor pension, nor any other job security<sup>115</sup>

Regarding wages, some respondents were paid a fixed rate according to the task accomplished, such as the number of gaulettes (Eng. trans. measuring unit approx. 12 feet) of sugarcane harvested and the arpent (0.43 hectare) of land worked. Others were paid a fixed rate per working a day. Based on Mardemootoo testimony, labourers received salary increments and at the end of year, a bonus as well.

While the labourers were paid at the end of the week, usually on Fridays or on Saturdays, it seems that the Sirdars received monthly remuneration, such as Mardemootoo's salary which, each month, was paid directly in his bank account.

Apparently, modes/ways of payment varied from one estate to the other. On some estates, the Kolom gave the salaries to the Sirdar who paid the labourers. On other estates, the labourers collected their salaries in the Kolom office.

Bhudyea declared that the Sirdar came to her place weekly to pay her. Later, she went to the office to pick up her salary and was paid every 15 days. The marker listed the names of the labourers for payment.

The testimonies on wages paid varied, but these discrepancies arose from different working periods. Furthermore, when comparing the estate remunerations practices, slight differences were identified in the remuneration of labourers. Nevertheless, overall, wages remained low as illustrated in the examples below. Minimal wages kept the estate workers in poverty and had various collateral consequences. Low wages fostered child labour, forced women to work and promoted small-scale farming.

The Royal Commission Report (1909) confirmed that agricultural estate labour was on the whole cheap labour, with wages ranging from one to three rupees a month for boys and eight to nine rupees for men.

In 1962, when Satianand worked for FUEL Estate, he earned 15 rupees per full working-day and was paid 39.90 rupees per full working week as Sirdar. He stated that a labourer earned approximately 4.10 rupees per full working day. During his trial period, he was paid in kind with 13 pieces of bananas. When he started working in 1949, women were paid 2.75 rupees per full working day and later they were paid 3.15 to 3.30 rupees per full working day.

When Goinsamy started working at 7 years of age as tobacco labourer for Vergé Estate, he earned 20 cents per working day. When his grandfather was promoted to Sirdar, he increased his salary to 25 cents per working day. When his work duties changed, he was paid 50 to 75 cents. On Beau Vallon Estate, he earned 1.50 cents per day's work for weeding. In 1965/1966, he started working for Constance Estate as labourer and earned 5.25 rupees per working day. When he worked as sugarcane cutter, he was paid 3.68 cents for 1 ton of sugarcane and 5.25 rupees for 1 to 6 tons of sugarcane. If he completed 55% and 80% of his work task in one day, he was paid 4 days' work and 6 days' work respectively.

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#### Reference 594 - 0.01% Coverage

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Mardemootoo worked in the sugar mill for 50 cents per day's work and later for 60 cents per working day. Afterwards, he worked as field labourer for 1.50 rupees per week. Each year, his salary increased with the

rise in the cost of living and his workload also increased. His last salary amounted to two rupees per week. In 1951, he enrolled in the Army and came back in 1954 and took employment on Rose Belle Estate.

It seems that on some estates, for the cane-cutting season the labourers were paid more, which encouraged them to work harder. For example, Pentiah's wife earned three rupees and her husband five rupees per days work. Later, she earned five rupees and her husband 10 rupees per working day. During the cutting season, if they cut two tons, or 2½ tons, or three tons of sugarcane they earned additional money.

Wage Cuts and other discriminatory

#### Reference 595 - 0.01% Coverage

Cuts and other discriminatory practices

All respondents denounced the practice of wage cut as penalties, when work did not meet the Kolom's quality standards. In their respective reports, Couacaud and Mishra show how this practice was a customary means to fine and penalise the labourers.

When the Kolom was not satisfied with the quality of the work of a labourer, either he did not pay the latter his working day, or, he marked the latter as absent, and hence the labourer was not paid his/her day's work or the Kolom ordered the labourer to redo the work the next day, which implies that the latter lost a working day.

...Si travay pa ti bon

#### Reference 596 - 0.01% Coverage

he cut off? One day)

Pentiah's wife testified that one day, her father came back home disappointed and without his salary. He told her mum that the 'White' (referring to the field supervisor) came and he was not satisfied with the quality of the work. He told the labourers to redo the work on Monday and then they will be paid. When the Labour Party came to power, they ordered the Estate Managers that every day, they should check the labourers' work and ask them to redo the work the same day because the latter were 'poor' and needed the money to feed their family. As from then her mother started making savings to buy food and clothing that did not have before.

Another customary practice of ordering the labourers to return home, because they were few minutes late in the morning, was an overt way of cutting the labourer's wage who, in the log book, was recorded as absent.

...Siss zerr bizin rent dan

#### Reference 597 - 0.01% Coverage

returned you home? The Sirdar)

Employers took advantage of the 1862 Labour Ordinance to mark as absent, labourers who had to walk five miles to work and thus spent half their time walking.

The labourers were not paid for when they were marked as days absent. Hence, when they were ill or after giving birth, they did not perceive a salary. However, in instances of maternity, Bawol declared that the estate provided them milk for approximately three months.

Because of these harsh discriminatory practices, the labourers perceived the Sirdar and the Kolom as being harsh and unjust. They used their power and authority in an abusive and oppressive way. Yet, the perception

of Sirdars is not unanimous, ena ou gagn move ena ou gagn inpe bon118 (Eng. trans. There were good and bad Sirdars).

Although corporal punishment was not

#### Reference 598 - 0.01% Coverage

##### AND SOCIAL CONDITIONS OF DESCENDANTS

latter to hit and even dismiss the labourers who did not do their work properly. When dismissed, they did not receive any compensation.

The degree of the punishment

#### Reference 599 - 0.01% Coverage

sharecropping, were alternative economic avenues.

For example, Satianand's family was poor and to make ends meet, they practised small-scale farming; they cultivated land and reared cattle for sales. His father worked as labourer and was a métayer as well. His father and uncles rented a field in Clemencia (located on the West Coast Southeast of Camp de Masque Pave) of approximately 1 arpent or 1½ arpent. It seems that it was marshy land and between 1944 and 1945, they cultivated rice. Gradually with the savings they made, his father and uncles bought two or three plots of land.

Many of the estate workers

#### Reference 600 - 0.01% Coverage

your salary you pay back)

The workers were provided with a ration card on which the Estate Management wrote the number of children. The Royal Commissioners reported that most estate owners issued rations and the value of the labourer's rations ranged from four to six rupees a month. However, many township day labourers who were Coloured Creoles received from 50 cents to 1 rupee a day without rations<sup>123</sup>.

When they went for food

#### Reference 601 - 0.01% Coverage

week.

Housing conditions and constructions

The estate econo-ethnic hierarchical organisation was reproduced in the residential segregation of the camps that was based on occupation. Residential segregation was common practice on the sugar estates. There was a camp for the agricultural labourers, including the Sirdars; and another where the artisans who worked in the sugar mill lived. L'Etat-Major (Eng. trans. The middle

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#### Reference 602 - 0.01% Coverage

sa zot lakaz separe...124

(Eng. trans: All labourers. All worked in the Champ. Yes wives and husbands. But where the artisans stayed? The artisans were separate. Because the artisans worked in the mill. The managers worked in the section (office) he is the manager of the section, his house was separated)

The house construction materials were overt indicators of differential treatment. The labourers lived in thatched houses, whilst the artisans' houses were made of corrugated iron-sheet and it seems the latter enjoyed better living conditions. The living conditions in the camps, where the agricultural labourers lived, were rudimentary compared to the camps where the artisans lived. Even if the artisan and the labourers were manual workers, the latter had a lower status compared to the former.

The houses of the agricultural labourers were either individual Maizon kaka vas (Eng. trans. Houses made with cow dung) or were langard (Eng. trans. Sheds) divided into several rooms.

While some respondents testified that

#### Reference 603 - 0.01% Coverage

latter became primary school teachers.

For those who attended school, before and after school hours, the children worked in the fields and did household work. For example, before going to school, Satianand fetched water and from sunrise until nine in the morning, he was gardyen zwazo (Eng. trans. Chasing away birds). He went to the field to chase the birds that ate the rice cob. After school hours, he helped his father in the field to collect and transport pommes d'amour and to fetch food for the cows. He left school at 12 years of age, after finishing his primary educational cycle and, one year later, started working as field labourer on FUEL Estate.

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#### Reference 604 - 0.01% Coverage

on the number of offsprings.

While in some families, children enjoyed their childhood, in other families, they were robbed of their childhood either because of child labour, or because from a young age, they endorsed family responsibilities. Some respondents, like Pentiah, did not have time to play because he worked and helped his mother.

Those who had time to

#### Reference 605 - 0.01% Coverage

as housewives and mothers first.

Living in relative poverty, and because of the resulting feeling of deprivation, women were forced to work to help their family make ends meet. Women worked either as labourers or as domestic workers. Before and after going to work, they had to fulfil their as wives and mothers duties.

Women carried a disproportionate share

#### Reference 606 - 0.01% Coverage

welfare to ease their load.

For instance, Bhudyea started work as a field labourer on Mon Désert Mon Trésor at 27 or 28 years of age after her marriage. She woke up at three or four in the morning and before leaving for work, she cooked a meal and had to reach the field at six o'clock. Her husband woke up after her at 5.30 after she had finished cooking.

Pentiah's wife woke up at

#### Reference 607 - 0.01% Coverage

They were exploited and oppressed.

When compared to those presently living in relative poverty, the estate-labourers did not lead a comfortable life. They did not receive adequate academic education and health care. They had to struggle to make ends meet and to afford the basic necessities.

Even if the Sirdar earned more than the labourers, still they shared the same rudimentary living conditions. However, given that in the sample analysed, none was an artisan, there is no information to compare the conditions of the labourers with those of the artisans. Hence, to construct a comprehensive picture of the life of the estate workers, this research should be extended to the artisans and to the Kolom to hear their voices on their life experiences.

11AGTF/09/51/01; AGTF

#### Reference 608 - 0.01% Coverage

AGTF/09/332/01. 2

3 AGTF/09/423/01 mentions 'labourers were Hindus, and artisans Christian'.

Only three respondents mentioned the presence of a sirdarine and only female respondent mentioned being alleviated to the position of sirdarine but 3 years later she again started working as labourer. (AGTF/09/122/1) 4

AGTF/09/184/01 learnt

#### Reference 609 - 0.01% Coverage

from Eastern College; yet he

could not get an job and had to work as labourer. 25

AGTF/09/184/01; AGTF

#### Reference 610 - 0.01% Coverage

Justice Commission Act, 2009. 50

According to the Royal Commissioners, it actually worked out that labourers were fined two days' wages and one-fifth of a third day for every day they were marked as being illegally absent or sick. 51

See pages 323-324 of

#### Reference 611 - 0.01% Coverage



number of ways. 53

54

These recommendations were legally enshrined in the Labour Ordinance of 1878. See interview 09/122/01 for example.

55 See the amendment to

#### Reference 612 - 0.01% Coverage

Ordinance 1961, as enshrined in

Government Notice No. 134 of 1973. This is despite the fact that the Annual Reports of the Labour Department and Ministry of Labour, prior to 1973, indicate that women should be paid "equal wages for doing equal work" in their various Labour Ordinances. 56

In her later work, Carter (1994, 1995) states that a number of female indentured labourers were employed on a temporary basis or verbal contracts that did not appear in the official figures. She also points out that those women who were not officially employed often helped their male partners to complete set tasks or spent their time sewing vacoas bags or rearing livestock for their families. 57

See amendments made to the Industrial Relations Act of 1973 and the Sugar Industry Regulations 1983. Certain categories of field-labourers were in fact provided with protective clothing prior to 1973, but it was only after the ratification of the aforementioned laws that protective clothing was made available to all monthly and casual workers. 58

Interview 09/234/01. 59

#### Reference 613 - 0.01% Coverage

do so by Law. 60

Interview 09/123/01. 61 This is a Creole expression for a jute or gunny bag. 62 A review of the subsequent Annual Reports of the Labour Department shows that the number of work-related injuries recorded continued to steadily increase over the coming years, with the Sugar Industry consistently accounting for most of these work-related injuries, and as per usual, the majority of injuries were of the sort described above. After 1975, however, when employers were finally required by law to provide all monthly workers with protective clothing, one begins to discern a noticeable decrease in the number of work-related injuries of field-labourers recorded in the Annual Reports of the Ministry of Labour and Industrial Relations as it had then become known by. 63

The etymology of this term

#### Reference 614 - 0.01% Coverage

right across the island. 73

The informants' claims are lent further support by the other contraventions listed in the Annual Reports of the Labour Department and Ministry of Labour which include not only "[i]rregular keeping of account books", "[f]alse entries in books of accounts", "[j]ob contractors failing to provide weekly pay sheets", "[j]ob contractors failing to make entries in book", but also "[a]sking [workers] to do work over again after many days", "[u]sing false gaulette [or method of measurement]", "[d]educting fine from wages due for work", "[f]ailing to credit labourers with full amount of work done", and "[f]ailing to credit labourers with full amount of wages due". 74

determine if these abuses continued

#### Reference 615 - 0.01% Coverage

if these abuses continued. 75

After 1981, the Ministry of Labour stopped compiling and releasing Annual Reports, so that it is not possible to It is supposed to be a measurement of 10 feet, but sirdars and job-contractors often employed longer sticks to get more work out of their workers

#### Reference 616 - 0.01% Coverage

October 1962, 1,226 complaints

for non-payment of wages and 218 complaints for under-payment of wages had been brought to the notice of Labour Inspectors. The amounts claimed in rupees were respectively 67,255.34 and 7,430.48, of which workers were paid out Rs. 47,942.68 for non-payment of wages, and Rs. 4,219.00 for under-payment of wages. It is not possible to determine what percentage of those complaints applied to sugar estate workers, because the Labour Department fails to make this distinction in their reports. But in view of the fact the Sugar Industry was the largest employer of labour in Mauritius until quite recently, it is more than likely that sugar estate workers brought a majority of these complaints forward. 77

There are probably at best

#### Reference 617 - 0.01% Coverage

camps left in Mauritius. 78

See S.J. Reddi (1984) and Richard Allen (1999) for their accounts of the high rates of absenteeism and desertion from estates by indentured labourers during the nineteenth century. 79

80 81 82 83 84

#### Reference 618 - 0.01% Coverage

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According to this report, the dwellings of casual labourers were "either built by the management at some time in the past or built by the estate habitants, often with estate help. In many cases the management declined responsibility for the upkeep of such dwellings, on the grounds that the inhabitants were non-entitled and could leave if they wished". 89

Interview 09/86/01.

The

#### Reference 619 - 0.01% Coverage

5,908 were girls. 94

We do not address the working and living conditions of small cane growers in this study, or “petits planteurs” as they are better known as in Mauritius, since it seems that very few were interviewed by the AGTF’s Research Assistants. Benedict describes the family life of some wealthier small planters living in villages who derived a substantial proportion of their income from growing cane and were not required to sell their labour to make ends meet. According to Daniel NorthCoombes (1987.9), however, a majority of small planters were not able to solely rely on this type of livelihood as their main source of income and worked as labourers on sugar estates at different times of the year. 95

While one might agree with

#### Reference 620 - 0.01% Coverage

ARLD 1948:28-31). 96

According to the Balogh Commission’s estimates of the Sugar Industry Labour Welfare Fund’s accounts to the end of 1961, although it had amassed Rs. 43 million from the annual levy on sugar exports to the United Kingdom and investments and rental fees, it only spent Rs. 17 million of that amount on housing and community welfare programmes. Most of the difference, amounting to some Rs. 25 million, had been invested in fixed-term deposits for 10 years. 97

Evidence of the presence of

#### Reference 621 - 0.01% Coverage

Kendrick’s Report. But according to

Balfour, it was only after the advent of the use of microscopes to examine stool samples that it was possible to determine the true extent of infection rates. This raises an important question: was ankylostomiasis brought to Mauritius by slaves or indentured labourers? It could not have existed in Mauritius prior to human settlement, as it has evolved in symbiosis with human populations and cannot survive without a host to reproduce itself. And evidence indicates that of the two types of ankylostomiasis that exist, that is, *Necator americanus* and *Ancylostoma duodenale*, neither are found in Europe or colder regions of the world, as these parasites can only survive in tropical climates. It is most likely then that African or Indian slaves brought it to Mauritius or that it was brought by indentured labourers from India, Africa or China. 98

I was not able to

#### Reference 622 - 0.01% Coverage

ARLD 1950:83-85). 102

I am not certain why, but towards the end of the 1950s, the Labour Department ceases to provide detailed information about inspections of estate camps, a trend which becomes even more pronounced in the 1960s, when no further details are provided. It cannot be a reflection of the declining population of estate camps, and, hence, their declining importance

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#### Reference 623 - 0.01% Coverage

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in the eyes of labour inspectors, who increasingly focus on factory inspections at the beginning of the 1960s, because at the end of 1982 there were still 143 estate camps with a population of 31,000 people (Manrakhan 1983:122). Much the same as it had been throughout the twentieth century. Perhaps it is a reflection of the diversification of the Mauritian economy and the corresponding importance Labour Inspectors began to accord to the inspection of other industries and the increasing numbers of factories. 104

My knowledge is limited by

#### Reference 624 - 0.01% Coverage

##### BHEEM MOONEEAN 1.1 Introduction

Mrs. Bheem Mooneean's life provides an insight into the life of a female Sugar Estate worker and the double-burden of being a mother and a labourer. She describes the harsh treatment meted out to labourers by sirdars in her 40 years as a Sugar Estate worker, and the domestic chores that kept her busy until the late hours of the evening after returning home from work. She also describes the enjoyment she derived from singing songs at weddings as she was growing up as a child and the traditional medicine she used to cure injuries and illnesses.

##### 1.2 Childhood

Mrs. Bheem

#### Reference 625 - 0.01% Coverage

##### Life and her Daily Routine

After her marriage Mrs. Bheem Mooneean used to rear cows. She used to wake up at 2 a.m., steal straw, fill about two barrels of water, cook food, milk her cows and boil water for them. She said that she started to work after having her first child. She worked as labourer on Beau Champ Sugar Estate for about 40 years. Her work consisted of removing dry leaves, planting, applying manure by carrying the basket of manure on her head, dropping cane sets in furrows and harvesting sugarcane. She worked from 4 a.m. to 12/1 p.m. But before leaving for work, she used to follow her usual morning routine. She used to work under the supervision of a sirdar who used to note her presence, assign to Mrs. Bheem Mooneean her work and paid her at the end of the week before the lorry came to take her home. In case she had already left the sirdar used to go to her place to pay her. She earned Rs. 1.50 per day. Her wage increased gradually. During the 40 years that she worked on Beau Champ Sugar Estate she worked under the supervision of many sirdars. Some were cruel. They used to treat some workers unfairly, which resulted in fighting on the Sugar Estate. When she failed to do her work properly, the kolom talked rudely to the sirdar-who then talked rudely to her and returned her work back to her. She even worked when she was pregnant. But during her pregnancies she said that she did not feel at ease when she had to remove dry leaves. She further added that if the sirdar asked the "sahib" to give her another task instead of having to remove dry leaves because she was pregnant, the "saheb" used to ask her to remove grass on the edge of the road. She also told the interviewer that when she was pregnant, she was told not to come to work if she was not able to carry out her tasks. She did not have boots and gloves. She said that when "mariposa" was introduced, she bought a pair.

When her work was over

#### Reference 626 - 0.01% Coverage

Mauritian women.

## 2.2 Childhood

Mrs. Chendradoo Lachamamah who is also known as Elo was born at Bonne Veine to Mr. Mwslih Yeriah and Mrs. Sitama Yeriah. Both of her parents were labourers on Bonne Veine Sugar Estate which was later known as Mon Désert Alma Sugar Estate. Her mother also used to rear cows and poultry, selling the milk at 2 cents a quarter litre and eggs at 2-3 cents each. Her parents had a plot of land on which they used to cultivate sweet potatoes, tapioca, "arouy", cornflour, "larout" and banana for the family's own consumption. Mrs. Chendradoo Lachamamah had 2 sisters and 1 brother.

The house of the Yeriah

## Reference 627 - 0.01% Coverage

happen.

## 2.3 Working Life

After leaving school Mrs. Chendradoo Lachamamah started to work as labourer on Bonne Veine Sugar Estate. She was recruited by an entrepreneur. The entrepreneur also used to note down her presence and calculate her wage. She was paid as per the workload she could complete. She worked from 7 a.m. to 3 p.m. She used to apply soil in maize and plant sweet potatoes. She worked under the supervision of a sirdar. At first she earned 20 cents per day. But her wage increased gradually. When she started to receive Rs. 1.25 she had to work very hard. She could have a rest only on the pretext of going to the toilet. She had 1 hour for lunch: 11 a.m. to 12 p.m. But she said

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## Reference 628 - 0.01% Coverage

### HISTORIES OF DESCENDANTS - SELECTED HISTORIES

that her job on Bonne Veine Sugar Estate was not secure. The white people did not compel her to work. She could go to work only one or two days. But she was compelled to work out of poverty. Moreover, the other labourers and her were not assigned an equal workload. She had no gloves, masks and boots. Given that since the age of 14 Mrs. Chendradoo could not tolerate the fact that people were being mistreated, that someone react violently with another person and someone saying things difficult to hear, once she talked rudely to a kolom and threatened him to "pik sa fousi-la dan ou figir" because he was about to knock against her when she was picking canes in grass and putting them on the road. On another instance she hit a sirdar with a hoe because he mistreated a worker. Even if the worker had completed his/her load of work the sirdar told him/her that he/she still has 5 "golet" (from gaulette, about 12 feet) to complete.

Owing to some problems which she was facing on Bonne Veine Sugar Estate, Mrs. Chendradoo Lachamamah went to work at Trianon where she worked as a sirdarine, an uncommon occurrence in the Mauritian sugar industry. She did this work for four years (1955-1958) and was required to supervise the work of both women and children. She said that she always treated the labourers under her supervision well. Working as a sirdarine gave her experience in measuring the workload labourers had to perform, and it was also during this time that she first started to become involved with the trade union movement. After Trianon Sugar Estate was sold to Mr. Hardy, the latter renamed the latter Sugar Estate as Highlands Sugar Estate and appointed a new manager: Mr. Coombes. On noticing her intelligence the new manager gave her a job in the office and provided her with accommodation in the camp of Bagatelle given that since Mrs. Chendradoo Lachamamah joined Trianon Sugar Estate, she had to rent a house. As part of her responsibilities, she used to arrange the shop, check books and rams bann let ki vini. She worked on Highlands Sugar Estate for 14 years. She used to go to work at 5 a.m. and return home at 4 p.m. She said

that it was difficult for her to perform such a hard work for such long hours given that she had to take care of her small children and husband. By 11 a.m./12 p.m. she no longer felt like working. Despite these difficulties, she was still able to seize the opportunity of being a camp resident to cultivate some vegetables and sell them at the market of Rose-Hill to generate an additional income.

While she was working on

#### Reference 629 - 0.01% Coverage

in Port Louis to discuss.

In 1970, Sir Sewoosagur Ramgoolam introduced the system of card whereby her job on the Sugar Estate was secure. All male labourers were assigned the same workload, she as all the other women

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#### Reference 630 - 0.01% Coverage

to receive gloves and masks.

Following her husband's retirement and since none of her sons had reached the age that they could work on the Sugar Estate she was asked to leave the camp. She thus, returned to Bonne Veine in about 1972/1973 and worked there till her retirement. Even if not like on Highlands Sugar Estate, but at Bonne Veine too she had to work a lot. On her return at Quartier Militaire in 1972 she and the other members of trade unions asked for boots because they used to hurt themselves with their hoe while working and had to tie their wounds and go to work despite that they were suffering. She also affirmed that when the Labour Inspector came on the Sugar Estate she could not talk with them. The Labour Inspectors were bribed.

During the Prime Ministership of

#### Reference 631 - 0.01% Coverage

rate of men and women.

On 19 August 1984 she talked on trade unions and on 4 September they talked about that on television. After her speech: Mrs. Bappoo sent her a letter on 7 Jan 1985 for an interview following which she appointed Mrs. Chendradoo Lachamamah as a member of the Sugar Industry Labour Welfare Fund to represent female labourers. She was determined more than ever since now she had someone to back her in her endeavour. After less than 2-3 months she brought a team of "inspector travail" on Bonne Veine Sugar Estate. Misie Jacques Carey was furious. She used to note down all the injustices inflicted to women and submit the paper to Mrs. Dubois when she went to committees. Mrs. Dubois raised these issues in

parliament. When labourers retired without

receiving their lump-sum she brought the matter to the office and helped them to get their lumpsum. When labourers were mistreated and that they absented themselves without leaving any paper, she went to Mon Desert Alma to discuss their case and help them to get their work back. As a member of trade unions she also asked for a female nurse who could attend female patients, that men and women be given the same load of work and that there should be no disparity as far as their wage rate was concerned. But she said that the disparity between the wage rate of men and women still persist. She and the other members of trade unions also asked that women should retire at the age of 58 and men 60. Their demand was approved. After 2-3 years they asked that women should retire at the age of 55 and men 58. But she retired at the age of 58 instead of 55 because the manager told her that she should continue to work since there was no one

to represent labourers and give her a favour by making her work somewhat less. On retiring in 1988 she also left Plantation Workers Union. When Navin Ramgoolam became Prime Minister in 1995 the Sugar Industry Labour Welfare Fund was dissolved.

## 2.4 Marriage and Home

### Reference 632 - 0.01% Coverage

#### DOOKHIT DEEWAN 5.1 Introduction

Mr. Dookhit Deewan describes his childhood as well as the experiences of his grandfather, an indentured labourer who came to Mauritius from Bihar after promises of making him rich. He also describes his responsibilities as a sirdar working on a Sugar Estate, aspects of his wedding ceremony, and some of the criteria his stepmother used to choose his wife. Just like for his grandfather, the Ramayana is very important to him and he still reads it to this day.

#### 5.2 Childhood

Mr. Dookhit

### Reference 633 - 0.01% Coverage

this day.

#### 5.2 Childhood

Mr. Dookhit Deewan was born in the village of Plaines des Papayes. Mr. Dookhit Deewan knew his grandfather. He still remembers how his grandfather narrated to him his life in Bihar and how he came to Mauritius at the age of 15 as an indentured labourer. Given that life was very harsh in Bihar at that time they fooled his grandfather and managed to persuade him to come to Mauritius by telling him that in Mauritius "vir ros gagn larzan". The only possessions that his grandfather took with him on the voyage were his bag and a copy of the Ramayana. According to Mr. Dookhit Deewan's recollection of what his grandfather told him, on board the ship his grandfather was not treated like a human being but rather like an animal.

Upon landing in Mauritius, Mr. Dookhit Deewan said that his grandfather continued to be mistreated. "enn bann blan" brought his grandfather to a Sugar Estate-the name of which he does not know. The owner of the Sugar Estate made his grandfather work. His grandfather lived in camps for many years. Eventually his grandfather was able to save some money with which he bought a small plot of land in the village of Plaines des Papayes once "slavery" (that is, indentured labour) had been abolished.

Mr. Dookhit Deewan's father worked

### Reference 634 - 0.01% Coverage

#### HISTORIES 5.3 Working Life

Mr. Dookhit Deewan joined Beau-Plan Sugar Estate at the age of 14 years old. His work consisted of removing grass, weeding "siendan" and carrying out works meant for children. He earned 35 cents per day. Work started at 7 a.m. and ended at 4 p.m. During working hours he had to work non-stop, because even if he had been working very hard but had just taken a pause of 15 minutes and that his "sef" caught him, he would be marked as absent. But since the kolom saw that he used to do his work properly, Mr. Dookhit Deewan was made sirdar at the age of 17. As a sirdar, in the morning Mr. Dookhit Deewan had to note the presence of the 25 labourers who worked under his supervision. He used to carry a pole in his hand. He used to measure a pole of 10 "pie" and assign to each labourer his/her workload. He worked from Monday

to Saturday. But in case the sugar factory did not have enough sugarcane to crush, he had to work on Sundays too. He used to receive sugar twice in a year: when harvest started before June and In December on the eve of New Year. When he was ill or had a minor injury he could go to the Sugar Estate's hospital. The hospital offered its services free of charge and there was a nurse to take care of him. If however, he had a serious health problem or was badly hurt he had to go to Montagne Longue Hospital.

After waking up in the

#### Reference 635 - 0.01% Coverage

work.

#### 7.3 Working Life

Mr. Groochurn Beeandewo started to work at the age of 14 on The Mount and Beau Plan Sugar Estate, more precisely, in the section of Grande Rosalie. He joined a group of child labourers and was paid 50 cents per day to apply salt. He worked from 7 am to 6 pm in the evening. He said that applying salt was a very hard task because the sugarcane fields were far from each other. It was his mother who got him the job with the Sugar Estate.

Afterwards he had to fetch

#### Reference 636 - 0.02% Coverage

chief was the "masinn" driver.

When the Sugar Estate changed its technique of carrying sugarcane to the mill, Mr. Groochurn Beeandewo and the other five "manev masinn" were told that there was no work for them. But after trade unionists had a discussion with "misie-la", a deal was struck and he and the other five workers were sent to cut and load sugarcane. He was integrated in a group of labourers and was placed under the supervision of a sirdar. Apart from supervising his work, the sirdar used to take down his presence and calculate his wage as well. But it was misie-la who was in charge of everything. He performed the latter task for 30 years. Before harvest he used to perform a prayer at home. He invoked his saints and "gran dimounn". During the harvest season he used to wake up at 1 A.M, go to work on bicycle and start to work at 3 a.m. Harvesting and loading sugarcane were very hard since there was not an exact time at which his work was over. Nonetheless, Mr. Groochurn Beeandewo was happy when it was harvest season because it was an opportunity for him to earn more money. He even claimed that during the harvest season, his wage was higher than a sirdar's. During intercrop season, however, he earned a fixed wage. He used to weed "siendan", remove rocks and plant, for instance. Initially when he used to go to work during rainy days he was asked to go home at 9 a.m. and was not paid at all. But when trade unionists-Ramnarrain and Jugdambi, fought against this injustice he started to receive half of his wage when he was sent back home at 9 a.m. on rainy days. Moreover, when doing the following tasks: removing dry leaves, "grataz" and cleaning, he was assigned a load of work which he could complete by 11 A.M while before trade unions began to fight for workers he had to work up to 3 p.m.

At first he had to buy his own tools. But when the government enforced regulations<sup>1</sup> and trade unions started to work in the interest of labourers the Sugar Estate gave him a "laserp" every 2 years. Afterwards (he did not mention exactly when) he even received money to buy his hoe. Thanks to trade unions he also started to receive holidays, sick leave and "local" and a bonus at the end of the year.

With the enforcement of regulations<sup>2</sup> he started to receive boots, gloves and uniform as well. The Sugar Estate did not organize any party. He and the group of labourers with whom he worked used to celebrate together. But the sirdar used to make them complete their load of work beforehand. When he and his wife



had their children the Sugar Estate gave them about Rs200/Rs300 to buy milk for their new-born babies. During his final years on the Sugar Estate he started to receive 5 pounds of sugar as gift for New Year. When he was about to

#### Reference 637 - 0.01% Coverage

buy coke for his guests.

Mr. Groochurn Beeandewo's wife gave birth to their children at home with the help of a nurse from the Sugar Estate's hospital. The nurse came to see his wife only for the first two days following her deliveries. After that, he had to take care of her himself to the best of his ability, and if she was not well he brought her to civil hospital or consulted a private doctor. After his wife had their second child, Mr. Groochurn Beeandewo's wage was no longer sufficient to feed his family and his wife started to work as labourer. She left their children with an old woman and paid her one rupee per week. He said that one rupee was a considerable sum of money in those days.

Mr. Groochurn Beeandewo also said

#### Reference 638 - 0.01% Coverage

the mountains to cook food.

Both of Mr. Pandoo Sayajee Row's parents were labourers on a Sugar Estate. He still remembers how his mother used to wait for her friends and then they used to go to work together. He used to accompany her to the road. His mother used to hold him. He had big cheeks. She used to touch his cheeks. Then he went back. He lost his mother when he was about 4 to 5 years old and his father at the age of 7. Both died due to ill health. After the death of his father it was his uncle and aunt who looked after his brother, sister and him.

Mr. Pandoo Sayajee Row had

#### Reference 639 - 0.01% Coverage

in 2009.

#### 10.2 Childhood

Mr. Ramlall Ramduth was born at Quatre-Cocos to Raghubir Ramlall and Sonia Ramlall. Both of his parents were Mauritians. His father was a labourer. In 1960 he obtained a plot of land from the Ministry of Agriculture, more precisely, from Sir Satcam Boolell. He used to cultivate sugarcane and vegetables. After his father's death it was his mother who continued to cultivate the land. He had 3 brothers.

As a child Mr. Ramlall

#### Reference 640 - 0.01% Coverage

He stays at home. Conclusion

Even if these ten life histories portray the lives of Mauritians in the 20th century yet, they do not provide a full picture of Mauritian lives during the latter period. There are many other interesting aspects of Mauritian life in 20th century Mauritius which could not be explored due to time constraint and thus, which need to be explored by future researcher who should continue to work out the life history of the other informants

who were interviewed for the Aapravasi Ghat Trust Fund's Oral History Project. For example, one can learn some new aspects of Mauritian life in 20th century Mauritius through the interviews of the following informants. M. Bisnauthsing Kewalparsad was 100 years old in 2009. He said that he used to go at his relatives' place by ox cart. Another informant, Mrs. Khaitoo Taramonee, aged 67 in 2009, worked on a Tobacco field for 1 year during her childhood. Mrs. Harradan Premnath who was 57 years old in 2009 worked as Pond-keeper and gardener for Fuel Sugar Estate before starting to work as a labourer on the latter Sugar Estate and being promoted to the position of sirdar. The last but not the least, Mr. Eustasie Joseph Ben who was 80 years old in 2009, studied up to standard VI and after five to six years of training, he worked as a tailor for several years at Grand-Gaube. At the age of 29 he went to live on the camp of Fuel

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#### Reference 641 - 0.01% Coverage

Reference Number: 09/102/01.

1 I believe he meant Labour Laws. 2 I believe he meant Labour Laws.

Interview: Rue des Corbigneaux, Truth

#### Reference 642 - 0.01% Coverage

similar conditions to the indentured.

Camp Aneerood, a former sugar estate camp, lies in the vicinity of Bel Ombre Sugar Estate, in Savanne District. Camp Aneerood later came to be known as Camp des Routes. It is believed that Camp Aneerood owns its name to a Sirdar known as Aneerood, who used to recruit Indians as indentured labourers for Bel Ombre Sugar Estate in the 19th century.<sup>1</sup> This camp is representative of many such camps established in the 19th century and which have survived to this day. The memories of the former inhabitants of this Camp are also very vivid.

The history of the inhabitants

#### Reference 643 - 0.01% Coverage

Estate Life The Banyan Tree

Mrs. Coormiah remembers how she used to play under the Banyan tree, which dominated the entrance of the camp. The banyan tree had a social and religious importance in the life of the inhabitants of the camp. In the evenings, labourers who returned from their work, used to gather under the banyan tree to talk, share their views and opinions and play social games like domino. Special festivals, like the Holi (Phagwa) and Sankranti, and Tamil festival of "Camon" was also celebrated under that tree, where children used to have fun by playing hide and seek with their friends. Mrs. Sunassee, her mother, also remembers how the festival of Holi, in Tamil known as "Camon" was celebrated with fervour under the Banyan tree. Mrs. Coormiah recalls how she used to sit under the banyan tree with her close friends in the evenings and sing old Hindi movies' songs in round. Near the banyan tree there existed also a baithka which was made of straw.

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#### Reference 644 - 0.01% Coverage

her surgery.

#### The Estate Shop

Near Bel Ombre Sugar Estate; there was a Chinese shop which was run by a Chinese family. They were commonly known as "Chinois Macao" by the inhabitants. The shop was named "Ah Soy". There was another Chinese shop at St. Martin, a nearby village, which was named "la boutique Lompai". These shops stocked a range of everyday items like rice, dried lentils (dholl), fish, more specifically the snoek fish, which was commonly consumed by the inhabitants. Labourers used to obtain rations in the form of rice, flour, oil and dholl on a fortnightly basis from Bel Ombre Sugar Estate. The rations were given on the estate camp itself. Mrs. Coormiah's father used to give 2 lbs of flour, which he received as part of the ration, to a bakery at Chemin Grenier, which was ran by a person of Chinese origin named "Atouna", and in return he would get 4 loaves of bread which he shared among his children.

During times of hardship, wild

#### Reference 645 - 0.01% Coverage

of Bel Ombre Primary School.

Mrs. Coormiah's grandmother used to live in another estate house in the same camp. She was born and got married in Camp des Routes itself. She used to speak fluent Tamil, which she also taught to her grandchildren. Mrs. Coormiah refers to her grandmother as being a "Coolie" as the latter's parent came from India. Mrs. Coormiah's grandfather used to work as a labourer at Bel Ombre Sugar Estate and also as a huntsman (piqueur de chasse). He passed away at the age of 40. Consequently, her grandmother had to work as a labourer for Bel Ombre Sugar Estate in order to be able to keep the estate house at Camp des Routes.

In the mornings, a man, employed by Bel Ombre Sugar Estate, used to wake up the inhabitants of the camp by shouting "Bhaat Pakao! Outho Outho!" This was a common practice in order to wake up the labourers. Mrs. Coormiah's grandmother used to go to work at 5 a.m. and was back at 3 p.m. She also reared cows and collected an average of 9 litres of milk per day. Cow rearing was a common activity among the inhabitants of Camp des Routes. There was a common stable made of straw comprising of several compartments at Camp des Routes which was shared by the inhabitants. The construction materials for the stable were provided by Bel Ombre Estate.

Mrs. Coormiah's father, Mr. Mootoovel Sunnassee, alias Tamby Sunnassee, worked as a Sirdar for Bel Ombre Sugar Estate. He was an active trade unionist who had fought for the rights of the labourers. He was born at Dagotièrè, and after his marriage he came to live at Camp des Routes. Mrs. Coormiah's mother, Mrs. Devanen Sunnassee, had seven children, among whom Mrs. Coormiah is the eldest one. Mrs. Coormiah did not go to school as she had to look after her younger brothers and sisters. She started to work as a labourer at the age of 10 along with her mother for Bel Ombre Sugar Estate, where she earned 75 cents per day and at the age of 12 her daily salary was increased to R. 1.

Figure 3: Mrs. Devanen Sunnassee

#### Reference 646 - 0.01% Coverage

Figure 3: Mrs. Devanen Sunnassee

Mrs. Devanen Sunnassee, maiden name Mootoocarpén, presently aged 88 years, was born at Camp des Routes. Her father worked as an "entrepreneur" for Bel Ombre Sugar Estate. Her mother got married at the age of 12 years. Mrs. Sunnassee did not go to school and she got married at the age of 16 years at Camp des Routes. After her wedding, her husband, who used to reside at Rose-Hill, came to stay at Camp des

Routes and worked as labourer in the "grand bande" for Bel Ombre Sugar Estate. He used to earn a fixed salary of Rs.100 per month in addition of a weekly ration of rice, salt, Bombay duck, dholl and coconut oil. In order to help her husband financially, Mrs. Sunnassee began to work as a labourer after her marriage. She also reared cows in Camp des Routes and each family owned a compartment in the stable of the camp. Five of her children were born at Camp des Routes and two at St. Martin village. Mr. Sunnassee was forced to leave the camp with his family. His fault was that he dared to smoke a cigarette

#### Reference 647 - 0.01% Coverage

Interview with Mr. Seemadree Appanna

Mr. Seemadree Appanna, 85 years old, was born on the 25th January 1926 at Camp des Routes. His father, S. Appanna, Immigrant No. 402 054, came to Mauritius on 2nd October 1888 at the age of 7 years from Kommadi village, located in the regional subdivided state of Vizagapatam in India, on the steam ship S.S Taif. He was first 'distributed' to Riche Bois Estate and later was employed as a labourer at Bel Ombre Sugar Estate. Mr. S. Appanna passed away on 11th March 1935. Mr. Seemadree Appanna's mother, Camamah Pothyah, was a Mauritian and also worked as labourer. The couple had 8 children, four daughters and four sons respectively. Mr. Appanna was four years old when his father passed away. His father used to wear a shirt, a dhoti of knee length and a turban. Mr. Appanna also remembers that his father used to draw a monthly salary of Rs. 8. The weekly provisions were purchased at the estate camp shop, named "Ah Soy", which was found at Bel Ombre Sugar Estate. In addition, ration was received on a weekly basis; every Friday his father went to the "magasin" (storehouse) of Bel Ombre Sugar Estate to get only rice as ration. Vegetables and pulses had to be purchased in the Chinese shop.

Mr. Appanna's mother used to

#### Reference 648 - 0.01% Coverage

AN ESTATE CAMP – NON-INDENTURED

the field along with his parents and earned 15 cents a day. The working hours were from 7 a.m. to 4 p.m. The labourers obtained their break times between 10.30 a.m. to 11.30 a.m. During harvest time he earned 20 cents per day as salary. When Mr. Appanna was 10 years old, he earned 30 cents a day while his mother earned 35 cents daily. At 18, he was employed by Bel Ombre Sugar Estate and obtained a flat monthly salary of Rs.12. By that time no rations were given to the labourers. At 20, he began to work as a carter for the estate and earned Rs.42 per month. He performed this job for five consecutive years and transported 4 tons of sugarcane per day. Mr. Appanna left Camp des Routes when he was 26 years old. He could no longer stay in the estate camp as he gave up the job as a carter for working for a private planter, as the latter paid him a better salary of Rs. 5 per day.

He recalls that the estate

#### Reference 649 - 0.01% Coverage

ethnic group respectively.

BISSOONDEEO SUBAGHRA

Mr. Bissoondeeo Subaghra, aged 92 years, was born in 1919 at Camp des Routes. His paternal grandfather came as a labourer from India. His grandfather also worked as a recruiting agent. Along with him came four

other persons, Mr. Deerpalsingh, Mr. Sooknanandsing, Mr. Ramlugunsing, his uncle Mr. Benimado Subaghra and his father respectively. Mr. Subaghra's father was 18 years old when he came to Mauritius and later he worked as chief Sirdar for Bel Ombre Sugar Estate.

Mr. Subaghra states that when he was born, there was a severe drought in India. His grandfather requested his uncle to return to India in order to help his family financially there but the latter never returned back to Mauritius. His grandfather's family lived in Gahmar village, presently located in Ghazipur District in India. His grandfather decided to come when he heard that Mauritius needed labourers to work the land.

Mr. Bissoondeoo Subaghra went to

#### Reference 650 - 0.01% Coverage

the age of 7 years.

Mr. Subaghra joined the Army on 13th September 1948 and he was shifted to Egypt for 5 months and returned to Mauritius on 10th January 1949. During his stay in Egypt he was imprisoned for 3 months. Mr. Subaghra had a rich work experience. When he returned to Mauritius, he worked as a labourer and earned 20 cents per day. Afterwards he worked as Sirdar for Bel Ombre sugar estate. At the age of 22 he bought a cart and one ox and worked as carter. He also worked as métayer along with his brother on a plot slightly less than a hectare (one arpent). In 1990 he owned 35 arpents of land under the métayage system. He was elected at the village council election of Chemin Grenier in 1950 and held the post of secretary of village council. He was president of the Poor Law Office from 1960 to 1965 and that of Social Welfare Centre of Chemin Grenier from 1965 to 1966 respectively. Mr. Subaghra also was the owner of a cinema named "Lotus" at Chemin Grenier.

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#### Reference 651 - 0.01% Coverage

##### CAMP – NON-INDENTURED MUSSAI FAMILY

Mr. Hardath Mussai, presently lives at Chemin Grenier. He is 91 years old and was born at Camp des Routes. His mother died when he was 3 months old. His father, popularly known as Gulam Mussai, bearing immigrant number 427899, came at the age of 22 as an indentured labourer from India on 4th October 1905 with the hope to earn a better living in Mauritius. He used to wear a dhoti, a turban and was always bare feet. He embarked at the port of Calcutta on the Steam ship S.S Surada, bearing ship number 1407.

Figure 14: Mr. Hardath Mussai

#### Reference 652 - 0.01% Coverage

of 55 years in 1944.

Mr. Mussai went to Baie du Cap RCA School and studied until standard 6. Kreol and French was the medium of teaching in his school and he learned the Hindi language in the baithka located at Camp des Routes. His maternal uncle, used to teach Hindi in the baithka. When he left school at the age of 13, he used to give a helping hand to her maternal grandmother in the field. He worked as a labourer and afterwards learned hairdressing from his uncle until he got married at the age of 20 in 1939 and his wife was aged 15 years. After his wedding he was employed as a grade 1 labourer at Bel Ombre Sugar Estate and earned Rs. 8 per month. Work started at 5am and he returned home at 6 p.m. At the age of 35 he worked as driver at Bel Ombre Estate and at the same time he was a métayer. His wife used to rear cows, goats and poultry at Camp

des Routes. Mrs. Mussai also worked as an apprentice mason at Bel Ombre Sugar Estate. She also helped her husband on the land they owned under the system of métayage.

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#### Reference 653 - 0.01% Coverage

##### AN ESTATE CAMP – NON-INDENTURED

want him to work as a labourer; therefore he learned the profession of tailor. He still works at a tailor at Chemin Grenier.

MARIAYE VAYAVORY Figure 19: Extract

#### Reference 654 - 0.01% Coverage

used to clean the stables.

Mrs. Vayavory did not attend school. She has 2 children; one son and one daughter, and 7 grandchildren. She worked as a labourer at Bel Ombre Sugar Estate and work started at 7 a.m. and lasted till 4 p.m. She started to work at the age of 10, where she earned 20 cents per day. Her work consisted of manually de-rocking and weeding of the field. At that time, it was a common practice for children to work. She got married at the age of 17 and went to stay at her husband's place at Camp Diable village. After one year, she and her husband settled at Bel Ombre in another estate camp.

There were two estate camps

#### Reference 655 - 0.01% Coverage

Mr. Deerpalsing's  
father named Deelasing

Deerpalsing came as a free passenger, bearing passenger number 731/95, from India on 9th August 1895 on the Steam Ship S.S Wardha. The latter passed away in 1942 at the age of 75. His father worked as a labourer for Bel Ombre Sugar Estate. At that time, recruiting agents were getting 1 pound of rice and Rs. 1 per month per head of labourers whom they brought from India. The labourers were under 5 years of contractual labour.

According to Mr. Deerpalsing, Camp Aneerood bears its name from a recruiting agent known as Aneerood. Aneerood was employed by Bel Ombre estate to recruit labourers from India. Transport cost for the labourers was provided by the estate to the recruiting agents. It cost around Rs. 60 per head to bring labourers to Mauritius. However this money was repaid back to the estate by the labourers themselves once they were employed. Rs1 was deducted on a monthly basis from their salary and at the end of their 5 years contracts; they would have totally repaid the sum of Rs. 60 to their employers. Once the labourers reached Mauritius, they had to take the oath in front of a magistrate that they would respect the conditions found in their contract. For Bel Ombre, the labourers went to the Souillac Court for oath-taking.

Figure 21: Extract of Birth

#### Reference 656 - 0.01% Coverage

three days after being married.

Mr. Deerpalsing's father first worked as a labourer before occupying the post of a Sirdar at Bel Ombre Sugar Estate. After his retirement, he worked as the Sugar Estate Warden and he then  
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#### Reference 657 - 0.01% Coverage

Passenger bearing number 731/95)

Mr. Deerpalsing attended the Primary School of Chemin Grenier and obtained a pass mark of 97.5 when he was in standard 6. Unfortunately, he could neither continue school nor did he work as a school teacher or in the police force as these jobs were reserved for people of Christian faith. At the age of 13 years he had to work as a labourer and earned 35 cents per day. He also helped his mother who owned land under the métayage

system. Mr.

Deerpalsing got married

#### Reference 658 - 0.01% Coverage

Gens de couleur (Coloured population)

in Mauritius, during the colonial period, under the French and British authorities, and since Independence, up to the present day. It seeks to establish that the 'Coloured Population', as 'Libres de couleur', was as much the victims of repressive measures and injustice during the French occupation (1715-1810) as descendants of slaves and, later in the nineteenth century, indentured labourers. After the capture of Isle de France by the British (1810), there ensued a long, hard fight by the 'Coloured people' for their Human Rights, as regards educational rights, the right to political representation and the right to land ownership, faced with increasing pressure to sell properties.

The origins of the 'Coloured

#### Reference 659 - 0.01% Coverage

such as Rémy Ollier, Léoville

L'Homme, Sir Virgil Naz, Sir William Newton and Dr. O. Beugeard, among others, a relative victory was achieved, when Coloured boys were admitted to the Royal College and returned to Mauritius as lawyers, doctors, notaries, and eventually, politicians, elected in the Port Louis Municipal Elections (1850), and the first Legislative Elections of 1886 under Sir John Pope-Hennessy. This being the turning-point in the history of the 'Coloured Population', political, social and cultural progress was rapid in the first half of the 20th century, through the labours of Eugène and Edgar Laurent, Raoul Rivet, and Dr. Maurice Curé, culminating in the arrival on the political scene of Gaëtan Duval (the Creole King) in the 1960s. Yet, when all is said and done, the Gens de couleur were granted political rights much more rapidly than descendants of Indian settlers and indentured labourers, at the end of the nineteenth century.

The impact of Independence (1968

#### Reference 660 - 0.01% Coverage

relatively large areas of land.

Rodrigues is a case on its own, being essentially a 'Creole' island, where colonization, slavery and indentured labour appear to have left a relatively small imprint on the people's psyche. Instead of striving for group identity, or strong individual identity, the Rodriguans seek some kind of 'island' regional identity. There is less concern with such appellations as 'descendants of slaves' or Gens de couleur today among the islanders, and a faire degree of intermarrying between communities  
(the Rouges – descendants of White

#### Reference 661 - 0.01% Coverage

mainly Brittany and Normandy), India

(Pondichéry, the Coromandel and Malabar coasts), China and other Asian countries, cohabited with, and/or were married to, descendants of slaves and manumitted slaves during the French period (1715-1810). The slaves or freed persons had various ethnic backgrounds; they were for example, Guineans, Lascars, Malabars, Malagasies, Malays, Mozambicans or various others of African origins. Chapter 1 explores the origins of the 'Coloured Population' under the French and British authorities through published and archival material, to arrive at a better understanding of: (a) the complex phenomenon of racial métissage; (b) the links between Gens de couleur and slaves, freeborns, indentured labourers, free settlers and 'Creoles' born in Mauritius and its dependencies.

Detailed

data on the ethno

#### Reference 662 - 0.01% Coverage

1886, under Sir John Pope

Hennessy, were a turning-point in the history of hard-fought political representation for the Gens de couleur. The new wave of 'Coloured' politicians could look forward, as well as back to the steep ascent achieved by their forbears. They subsequently fought to preserve their hard-earned social, political and economic, as well as educational and cultural, rights. The Laurent brothers, Raoul Rivet, Dr. Maurice Curé, the founder of the Labour Party, and other successors of Rémy Ollier, never forgot the high price which their community had paid, in terms of indignities and sufferings, in the eighteenth and nineteenth centuries. In effect, the 'Coloured Population' appears to have maintained its close affinities throughout with French culture, as they sought to forge an identity through being Francophone and Francophile, this despite the failure of the Retrocessionist Movement in the 1921 elections.

Landownership, access to economic benefits

#### Reference 663 - 0.01% Coverage

the figure of 75 The

'Coloured Population' had continued to grow from 1810 onwards; its intellectual élite, according to Henri Leclézio in *Mauritius Illustrated* (1914), "may be reckoned at about 5,000 persons" in the 1910s, "well-educated persons for the most part, of an intellectual equal to that of the generality of the members of the white population." 76 From here onwards, the Coloured intelligentsia mustered all the available troops during the 1920s and 1930s, under the leadership of Eugène and Edgar Laurent, Emmanuel Anquetil, and later Dr. Maurice Curé, the founder of the Labour Party (as analysed below in 'Political Representations').

2.3. Religious Affiliations of



#### Reference 664 - 0.01% Coverage

it is obvious from this

table that Christians were, and are, a major component of Mauritian Society, even after the arrival of Indentured Labour, and that among Christians, the Catholic Church had the largest majority of disciples. Besides Catholics, among Christians, one can note: The Church of England; the Church of Scotland and a broad category of 'other Christians'. Today, a considerable number of Christian sects and Churches have sprung up, making the picture even more complex. The Census of 2000 indicates that out of a grand total of 1,178,848 people, there were 278,251 Roman Catholics; 101,050 'Other Christians', which adds up to 379,301 Christians, as against 799,547 non-Christians. Monique Dinan notes that between 1871 and 2000, there was a growth of 1.13% among Christians per year; of these, the number of Catholics grew by 0.95%, as against a growth of 1.16% for Hindus and 1.21% for Muslims.

She also adds that, between

#### Reference 665 - 0.01% Coverage

earlier endeavours (1826).

They stressed

once more the vital need for a "Central College destined exclusively for the Coloured youths, a project submitted to your predecessor [...] We long, indeed, for the realization of this project [...] but since we had only obtained a personal subscription of 100 piastres from the Governor of the colony, it became impossible to envisage the completion of this project." 109 From 1830 on, Coloured leaders continued to plead for access to Education, while deploring the conditions in which their community laboured and the civil and political prejudices which confronted them. Despite the Ordinance of 1829 stipulating that in future, there would be only two categories of people, Free and Slaves, the Human Rights of the 'Coloured Population' continued to be ignored. The two petitions of 1826 and 1830 had been largely ignored by two unsympathetic Governors, Lowry Cole and Colville, who rejected the 1830 address, while showing his personal antipathy to the Coloured leaders. 110

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#### Reference 666 - 0.01% Coverage

force until the abolition of

slavery in Mauritius, consecrated first in the Code Delaleu (1767), and then in the Code Decaen (1804). Articles 5-9 of the Code Noir prohibited sexual relations between Whites and slaves; Articles 11-16 imposed strict restrictions on their movements; Articles 21 and 22 stipulated that the fruit of their labour belonged, not to slaves but to their masters, and the notorious Articles 39-47 proclaimed that slaves had no status (civil or political) and were reduced to the conditions of 'chattels' [meubles], which masters could sell, as they wished. 121 On 4 February, 1794, a Decree of the Convention abolished slavery in the French colonies, except for Martinique, but on 17 July, 1802, Napoleon Bonaparte was to restore it in all French colonies, in agreement with the legislation that preceded the Revolution of 1789. 122

During the French period, the

#### Reference 667 - 0.01% Coverage

857 marriages in this community.

As regards professions, if one excludes agricultural and manual labour, the following statistics indicate the strides that

#### Reference 668 - 0.01% Coverage

the glorious involvement of Coloured

individuals in Mauritian politics on a grand scale. Le Mauricien, under a young, Raoul Rivet, who had replaced Eugène Henri, became, in Teelock's words, "the organ of a political movement," supporting, as it did the Revision Movement, led by Alfred Gellé, Gaston Gébert and Dr. Reynolds Laurent. They proposed a House of Representatives of 21 members, of whom 17 would come from the 'General Population' and 4 from Asian communities. The subsequent events are described in detail by Vijaya Teelock and need not detain us. 167 The contribution to Mauritian politics of Coloured individuals is well-known: Emmanuel Anquetil (1885–1946), Unionist and Politician; 168 Eugène Laurent, Lawyer and Politician (1823-1901; D.M.B., pp. 921-922); 169 Dr. Maurice Curé (1886-1977, D.M.B., pp. 1969-1973; Doctor and politician and founder of the Labour Party); Guy Rozemont (1915-1956; D.M.B., p. 931; Secretary-General of the Labour Party in 1941; third President in 1947, an eloquent and charismatic orator, who was the first elected member for Port Louis at the General Elections of 1948 and was re-elected in 1953); Raoul Rivet (1896-1957), Journalist of international renown and Politician, who helped to set up the Union Mauricienne in 1924: "His ideal was to shake off the apathy of the thinking élite towards the Colonial Authorities" (D.M.B., p. 899). So many other notable members of the Coloured community come to mind, as regards their active role in politics. Perhaps a Ph.d thesis will one day be written on the subject. The culmination of waves of political action of this community was the arrival upon the scene of the 'King of Creoles', Gaëtan Duval, a lawyer with a silver tongue and a brilliant mind, totally devoted to the cause of his community, the greatest 'Coloured tribune of them all', Leader extraordinaire of the 'Parti Mauricien'. The traditions of political activism have been taken over and upheld by his son, Xavier Luc Duval, now at the helm of the P.M.S.D. It is left to past and future biographers of Gaëtan Duval (e.g. Alain Gordon-Gentil) to describe at length, and in meticulous details, the achievements of the Champion of Creolité from the 1950s onwards.

From Sir William Newton in

#### Reference 669 - 0.01% Coverage

census for the first 189

time in 1767 (one year after the enforcement of the Code Noir). It was mainly composed of freed slaves and indentured labourers from India.

While blood-mixing ('métissage') prevailed

#### Reference 670 - 0.01% Coverage

White group changed as the

Mauritian sugar plantation system evolved and was further complicated by the integration of a new component, the indentured labourers who emigrated from India.

5.3. Indentured labour and the ethnicization of the Mauritian society

With the modernization of the

#### Reference 671 - 0.01% Coverage

the integration of the former indentured labourers into the plantation system, as small planters. With the settlement of former indentured labourers within the small plantation, the whole plantation world became ethnicized, i.e. the labour and economic activities became specialized on an ethnic basis.

201 The 'Grand Morcellement' and

#### Reference 672 - 0.01% Coverage

cane plantation and processing. 202

Every group invested in 'economic niches' within the division of labour. The Whites retained the dominant position, i.e

#### Reference 673 - 0.01% Coverage

within the political sphere (the

Legislative Assembly) was disrupted after 1937 because of an upsurge of social opposition among the masses. The conflict hit the plantations first, then spread to the other sectors of the economy, mainly the docks. The social upsurge was crystallized in the first mass party, the Labour party, created in 1936 by Dr. Maurice

#### Reference 674 - 0.01% Coverage

Curé, Edgard Laurent, Raoul Rivet.

Mauricien, were actually opposed to the introduction of the universal franchise, while their former partner in the Union Mauricienne, then the leader of the Labour party, Dr. Maurice Curé, was in favour of it.

The Ralliement Mauricien was created

#### Reference 675 - 0.01% Coverage

DE COULEUR – THE 'COLOURED POPULATION'

Franco-Mauritian Jules Koenig. The Ralliement Mauricien advocated the creation of a 'Mauritian nation' in order to guarantee to each ethnic community the rights to participate in national affairs. The Ralliement Mauricien was also founded in order to oppose the Labour Party which was progressively being 'indianized', following the 1948 elections, when

#### Reference 676 - 0.01% Coverage

identity for +the 'Gens de

couleur' was characterized by a series of paradoxes. As they shared some ethnic markers with the Whites – the French language and culture – those ethnic markers were mobilized in order to emphasize the cultural continuum between the two groups and justify their political alliances, especially against the Asiatic groups. But at the same time, in another respect, race emerged as a strong marker of ethnic difference between the two groups, especially with a view to stressing the domination of the White group at the top of the social hierarchy. During the decolonization period (1947-1968), with the enforcement of universal franchise and the subsequent introduction of ethnopoltics with the 'Good Loser System', and then the 'Best Loser System', the political conditions of identity production changed. The 'Coloured' political leaders were split into two, with on the one hand, the Parti Mauricien and on the other hand, the Labour Party. The issue of ethnic identities then became connected with the issue of nation-building and Independence: the 'Coloured' political elite wanted to promote the idea of representation within the nation and the legitimacy of their contribution to the nation-building process.

With the rise of ethno

#### Reference 677 - 0.01% Coverage

Pipon's bailiff, returned to Rodrigues, after a stay in Mauritius, and opened a fishery with Furcy Labour who lived at 'Les Soupirs' in the 1840s.<sup>240</sup> Table 8 has already drawn

#### Reference 678 - 0.01% Coverage

notes in 1967: "Though extremely spread out, they are represented by a small number of names, common in Réunion, and perhaps also in Mauritius: Roussety, Bégué, Rivière, Meunier, Legoff, Perrine, Lévêque." <sup>243</sup> We know some of the dates when the early settlers bearing European names, emigrated from Mauritius, or from elsewhere, to Rodrigues: Charles Weder (before 1827); Mathieu Roussety, a master-fisherman and trader (about 1842); his brother Auguste Roussety (1844); Jean-Marie Meunier (about 1840); Zéline Labour (about 1840); Bercy Labour, with four young children (1845); Désiré Calamel (1845); Charlotte and Marie-Louise Perrine (1846); Marie-Jeanne Geneviève, with a daughter (1846); Ferdinand Bonnelle (1846); Clodimir and Emilien Jean (1846); Louis François, his wife and five children (1848); Pierre Raffault (1848); the Legoff, Lévêque, Ithier, Castel and Allas families (later than the 1840s). <sup>244</sup> Descendants of the early Café au lait settlers, as they are known, or Rouges – because they grow red in the sun – gladly recall the adventures of their pioneer ancestors (see below for some families). Parish Registers of Births, Marriages and Deaths draw attention to the evolution of Rouge families. Gabriel Bégué, the ancestor of a powerful landed family, settled in 1825 on land now forming part of the Parish of St. Gabriel, which was bought or acquired, in a partexchange deal, by the visiting priest, Father Thevaux (Parish priest from November 1850 to May 1851). He erected a "latanier hut 50 ft. long by 24 ft. wide", a primitive Church which became known as St. Gabriel from "the owner's name" – the Saint being later declared the patron saint of Rodrigues. <sup>245</sup>

There is much evidence, oral

#### Reference 679 - 0.01% Coverage

those of the blacks." <sup>248</sup>

Emigration of 'mixed-blood' or 'White' families appears to have slowed down as the nineteenth century wore on. 249 From his analysis of statistics available, Dupon was able to assess that "if one examined the origins of deceased people, one noticed that, from 1860 to 1865, 40% to 50% were born in Mauritius [...] However, from 1870 to 1875, this percentage dropped to 10%." 250 Moreover, Rodrigues seems to have missed out altogether on Indian emigration and Indentured Labour in the 19th century. In 1962, the first official Census that allowed individuals to declare their belonging to a community, indicated that of a total population of 18,333 inhabitants, 117 deemed themselves to be Hindus and 378 Chinese.<sup>251</sup> Indeed, early Indian and Chinese emigrants to Rodrigues had blended well with the Creole Mass through intermarriage (see Appendix I).

Early

Chinese and Indian settlers

#### Reference 680 - 0.01% Coverage

marriage to métis is also

brought out. To support such large families, 'White' men had to fish, as well as set up plantations. The son of Elizène, Fernand, acquired land on Ile aux Chats, where a little maize was cultivated. The 'Rouges' employed 'black workers' as domestics and labourers, but treated them well, feeding them and allowing them to grow their own crops. Rice was a special treat for all and was served only once a week on Sundays, on account of it having to be imported. Domestics were paid wages on a daily basis, and often workers were given a loan of the masters' boats to go fishing. The 'Montagnards', through the system of 'barter', traded in maize and crops to the shopkeepers (Indians or Chinese) in return for other goods. Y. pointed out that this was very much to the advantage of shopkeepers.

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#### Reference 681 - 0.01% Coverage

DE COULEUR – THE 'COLOURED POPULATION'

discuss at length the implications of the 'Truth and Justice Commission'. Artists in Rodrigues even look at slavery with a pinch of salt and have published amusing tales concerning freed slaves, according to Z. As for local politicians, they do not put undue emphasis on communalism or the legacy of slavery. For all that, to a candid observer on a visit, Rodrigues does suffer considerably in its present infrastructures (social, physical and educational) 272 from the fact that it has been, and is largely, a 'Creole' island blighted by its past. Would the island lag so far behind, if it had been populated by large numbers of Hindu/Moslem labourers, or indeed 'White' colonists?

It is manifest

that Rodrigues

#### Reference 682 - 0.01% Coverage

history should emphasise the contribution

of all A simplified version of the history of slavery and indentured labour, could communities/groups to the development of the Mauritian nation

#### Reference 683 - 0.01% Coverage

##### DISCOURSE, POLICY, PRACTICE AND EXPERIENCE

The data collected for, and presented in, this report specifically focuses on the descendants of slaves and the descendants of indentured labourers. As is noted in the report, it is not easy to clearly and definitively distinguish between these two categories mainly because slavery has been abolished for nearly two centuries in Mauritius and also because the population of Mauritius has experienced significant interethnic mixing since the abolition of slavery. However, in the course of this research, there were individuals who identified themselves as descendants of slaves or descendants of indentured labourers, referring to either phenotype or immigration records to assert a particular identity. In compiling this report, we have remained sensitive to issues of identity construction and assertion but have not lost sight of the fact that a significant percentage of slave descendants and indentured labour descendants exist in Mauritius and that these identities, as well as the fact that the experiences that flow from these are real.

The data collected for the

#### Reference 684 - 0.01% Coverage

of slaves and their descendants.

Who were these slaves? Although this report does not offer a substantive account of that history, it is important to note that there were also slaves of Indian origins in Mauritius. From what we gather from secondary sources on the treatment of slaves in general, these individuals must have also experienced the same hardships as those coming from Africa. Furthermore, the abolition of slavery in 1835 and the arrival of indentured labourers from the subcontinent of India in Mauritius continued the legacy of slave practices. As historians on Mauritius, such as Megan Vaughan, Vijaya Teelock and Marina Carter, remind us - the system of apprenticeship ensured the oppression of slave descendants and then indentured labourers after abolition.

A key argument made in this report (as well as most of the evidence supplied in this report) suggests that Mauritians with a visually discernable African ancestry have experienced, and continue to experience racism more directly and regularly than others in Mauritian society. These individuals, today discussed as slave descendants, find it difficult to experience belonging to a Mauritian society and also experience discrimination in various social and economic spaces across the island. Secondly, it is argued that there is a similar experience among those who may be identified as indentured labour descendants. For the latter, however, there is also discrimination on the basis of caste, such that (and the Social Stratification project should provide further information on this), caste becomes an essential category with biological overtones. A further argument made in this report is that race relations in Mauritius are cut across by age and gender. Therefore, to address the issue of racial inequality and discrimination in Mauritius, the Government and/or other responsible bodies will need to factor in these cross-cutting issues. Lastly, the report discusses the long-term psychological and social consequences of racism in Mauritius, specifically the entrenchment of racist thinking and practice and the normalisation of these.

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#### Reference 685 - 0.01% Coverage

social justice in the society.

Mauritius is a young democracy which forms part of a global society that prides itself on the protection and advancement of Human Rights. Mauritius also aspires to be a model society and economy among the

developing countries of the global South. To achieve these important objectives, it is important for the current and democratically elected government, to pursue not only economic partnerships with emerging and established economies, but also social justice. To this end, the Government of Mauritius has, following the example of the South African Truth and Reconciliation Commission (TRC), mandated a Truth and Justice Commission to investigate the legacies of slavery and indentured labour.

This report should be read in conjunction with the nine other reports commissioned by the Mauritius Government on the subject of the legacies of slavery and indentured labour in Mauritius. The report does not pretend to offer an exhaustive account of the myriad ways in which the much maligned concept of race has been abused and utilised to entrench power and privilege in Mauritius. Nor does it claim to offer data that is unknown in Mauritius regarding the issue of race in the country. This is because the purpose of this research is not completely academic but rather applied, in which there is an effort to discover and reveal to the Mauritian public the various facets and implications of racism in Mauritius and to suggest ways in which to eradicate racism.

Thus, many of the stories

#### Reference 686 - 0.01% Coverage

##### The Rationale for the Study

Reflecting on transatlantic slavery and its impact on slaves and their descendants, the author, James Dawkins<sup>2</sup> notes that in the 1800s: [...] the British Government and Crown [...] sanctioned the use of racism in order to rationalise the existence of the slave trade, justify the forced subjugation of Africans, and to mitigate rising public dissent towards the profitable enterprise, (BBC 2007, cited in Dawkins 2010:8). Another source clearly indicates the profit made by slave owners in the British Empire. In 1838 some 800,000 people were freed throughout the Empire. The slave owners were paid some 20 million pounds Sterling for the loss of their labour. This amounted to approximately 40 percent of Britain's national budget at the time or some 1.34 billion pounds Sterling in today's money. The slaves received nothing (BBC online 2007). It would be 'easy' to argue that all that slave descendants (and those who suffered under slavery and indenture) need is monetary compensation. However, this report documents the long term non-fiscal damage which racism has wrought in Mauritius. Thus (and as the research team argues) there is a real need for more substantive work and research on the range of reparations needed to heal Mauritian society.

Referring to a range of

#### Reference 687 - 0.01% Coverage

rates of incarceration and single

parenthood, as well as drug addictions. While members of this research team do not believe that slave descendants and those categorised as the descendants of indentured labourers did not possess any resilience in the face of such horrors.

We do agree that similar

#### Reference 688 - 0.01% Coverage

necessary and very long overdue.

This project, identified as Project 4, forms a part of the Culture and Ethnicity project of the Truth and Justice Commission (TJC). Following the inscription of Le Morne mountain (a symbol of liberation from slavery and

oppression in Mauritius) as a World Heritage, the Mauritius Government mandated the creation of a Truth and Justice Commission to investigate the legacies of slavery and indentured labour in Mauritius and to produce recommendations regarding the nature of reparations to these disaffected populations.

The purpose of Project 4

#### Reference 689 - 0.01% Coverage

rather their interpretation by Mauritians.

Those who have conducted research for this report are fully cognizant of the fact that the achievement of reparations involves a complex process. Part of the rationale for this project is that we wanted to investigate some of the social complexities that the TJC would have to confront. From the perspective of this project for instance, we are aware that it is near impossible to assess what the legal experts call the quantum of damage caused by slavery and indentured labour or one could say that it is impossible to calculate the depth and breadth of damage caused by the institutions of slavery and indentured labour. The trauma, mistrust, poor levels of community cooperation, self-doubt and other pathologies of oppression are difficult to quantify and may be passed on (as we note in Part 4 of this report), from one generation to the next. What our research hopefully does is to shed light on this complexity so that a multilevel and multipronged approach can be taken in addressing the legacies of slavery and indentured labour.

This report, however difficult this is, also makes an attempt to distinguish between the experiences of slavery and indentured labour. While the TJC Bill suggests that these two experiences may have been familiar and that both experiences are important to our understanding of the legacies of slavery and indentured labour; it is our contention that there is a qualitative difference between the racial experiences of slave descendants and the experiences of indentured labour descendants. Put very succinctly, those identified as slave descendants or more accurately as Creoles, experience racism more directly if not more profoundly

#### Reference 690 - 0.01% Coverage

in Mauritius. Those identified as

descendants of indentured labourers experience a cross-cutting range of discriminations based on their class, caste and gender. Because racial discourses, practices and experiences overlap with discriminations experienced on the basis of class, caste and gender, it was sometimes difficult for us to tease out the varying strands of discrimination and to carefully and critically explain what we were observing and hearing.

This 'discovery' presents a challenge (as we argue at the end of this report) to fully and properly conclude a discussion regarding reparations. Furthermore (and this is also discussed), the issue of who is a slave descendant and who is an indentured labour descendant also needs clarification. The research revealed that only a few have internalised these categories of identification. Creoles were more likely to appropriate and speak about slave descendants. Others often referred to them as just 'Creoles.' Creoles rarely referred to themselves as Afro-Mauritians (Benoit 1985).

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#### Reference 691 - 0.01% Coverage

DISCOURSE, POLICY, PRACTICE AND EXPERIENCE



Another reason for doing this research is to show that, in contrast to what some Mauritians may believe, ethnic and racial categories are not easily delineated. For example, indentured labourer descendants may have slave descendent and slave owner ancestry and those who are considered as Franco-Mauritians or as the visibly identifiable descendants of Europeans on the island also have mixed ethnic and racial ancestry. In our research among Franco-Mauritians we found that this topic was assiduously avoided or that white ancestry was rigorously asserted.

In short, it is not

#### Reference 692 - 0.01% Coverage

of mutual respect and recognition.

Thus, this report is critical of compensation, not in the sense (as we shall reveal in more detail later), that it should not happen at all but that those involved in the provision of reparations remain aware that financial compensation may not achieve 'full' reparations or that it might reduce the potential for full and deep reconciliation in our society. Deep reconciliation is also important because the present generation of slave descendants and indentured labourer descendants also have to manage their existence in a social setting that this cut across by other forms of boundary making and discrimination. There is also a deeply entrenched patriarchy (rule of society by men) in Mauritius and there is also the achievement of social stratification via caste classification.

The research is also motivated by the broader (but no less important issue) of the protection of Human Rights in Mauritius. As is noted in this report, discrimination in general (i.e. on the grounds of ethnicity, culture, gender and age), diminishes the protection of Human Rights both nationally and internationally. In its Millennium Development Goals (MDGs), the United Nations is concerned to eradicate discrimination and to decrease the possibilities for acts of extreme prejudice (i.e. genocide, xenophobia and ethnocide). As a signatory to various conventions of the UN regarding the protection and advancement of Human Rights, the onus is on the Mauritius Government to critically review the legacies of slavery and indentured labour and to determine the extent to which these legacies affect the implementation

of a Human Rights culture

#### Reference 693 - 0.01% Coverage

Europe and Caucasians as superior.

In Mauritius the traveller accounts of Bernardin de St. Pierre (in the 1700s in Mauritius), while producing a very rich account of Mauritius society in those early years, reinforced literary stereotypes of blacks as labourers and slaves and whites as owners and managers. However, de StPierre did pay attention to detail and in doing so, he disrupted certain racial stereotypes, particularly stereotypes of Franco-Mauritians as a culturally and economically homogeneous group characterised by their civilized behaviour. What de St-Pierre revealed is that there were high levels of decadence and laissez-faire among the propertied classes in Mauritius in the 1700s and that the

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#### Reference 694 - 0.01% Coverage

discuss and seek ways descendants.

Our interest lies in the social and political legacy of these inequalities. One finds that in Mauritius in which there was the experience of slavery, those at the bottom of the socioeconomic ladder today are also those who do not possess the means of production. They rarely have access to land, equipment and other vital material resources. Instead they are inserted into the economy as labourers and workers. Their 'race' is used to justify and perpetuate their oppression. The maintenance of this group at the margins of the society serves a double purpose. It reaffirms discourses of superiority and inferiority and it maintains the capitalist system, which relies on an oppressed working class to generate profits.

'Beneath' this group is yet another layer, a set of people considered the underclass. As one woman at a famous IRS in Mauritius told me very casually, Truth and Justice Commission 533 to achieve reparations for slave and indentured labour

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#### Reference 695 - 0.01% Coverage

legacy of slavery and indenture.

One of the questions asked by historians involved in the process included whether the TRC in South Africa had not created a 'homogenized internal identity of victimhood' (see Valji 1998, note 6). Quoting Colin Bundy (2000), Nahla Valji says that South Africans 'intended to build one unified nation... [but may have risked legitimising] the formation of an "increasingly deracialised insiders and persistently black outsiders"'. The proposed research examines a range of contributions made by the slave descendant and indentured labourer population, as well as the injustices experienced. By doing this, it is hoped that the researchers will avert the potential pitfall noted by Valji.

Another significant finding of the

#### Reference 696 - 0.01% Coverage

poor' or as 'poor blacks'.

An important element of this research was to investigate the contributions of slave descendants and indentured labourer descendants to Mauritian society. Given the generally divisive nature of slavery and indentured labour, it is interesting to see to how these institutions have brought a diversity of people together and how people have made important contributions to society despite the hardships faced by them and their ancestors. Investigating contributions will allow the TJC to avoid homogenising the population as victims. Teelock (1998) and Nwulia's (1981) account of maroon communities and slavery strongly suggests that the population endured many hardships and surmounted them in creative and lasting ways.

In the following section we

#### Reference 697 - 0.01% Coverage

for the overall project was:

What are the legacies of racism and experiences of racism by slave descendants and indentured labour descendants in Mauritius? Related questions which were asked in the course of research included:

1. What social policies existed

#### Reference 698 - 0.01% Coverage

and racism in contemporary Mauritius?

11. What is the experience of mixed race slave descendants/indentured labour descendants in contemporary Mauritius?

12. What does the prevalence

#### Reference 699 - 0.01% Coverage

of racism stress in Mauritius?

13. What are the particular racial experiences of slave descendant and indentured labourer descendant women in Mauritian society?

These questions were allocated to

#### Reference 700 - 0.01% Coverage

relations in Mauritius.

Research Sites

The research sites for this project were carefully chosen. The objective of the team was to obtain a representative sample of slave descendants and indentured labourer descendants, in order to fully document the experiences of these segments of the Mauritian population. However, this was not the only concern. In investigating the discourses and experiences of racism in Mauritius, it was important to interview also Mauritians beyond the above-noted categories. How do those who do not identify with slave or indentured labour descent view and construct identity in Mauritius? How do these constructions influence self-perception and interaction between those designated as marginal and the rest of society? What social networks exist which enable, as one blogger put it, 'cultural navigation'? What scope exists for social and ultimately economic mobility? Do specific sites impact on the construction of identity and the experience of race?

To address these complex questions

#### Reference 701 - 0.01% Coverage

Research on Mauritians in General

One of the reports, which involved two intensive months of anthropological fieldwork in the region of Black River on the West Coast of the island, documents the experiences of Mauritians in general. The region of Black River was initially chosen for the fieldwork because of its association with the history of slavery and the development of ethnic relations with indentured labourers from about 1835.

It is documented that, historically

#### Reference 702 - 0.01% Coverage

classifications.

Official and Public Discourses

As the Social Stratification project of the TJC (2011) confirms, when the Indian indentured labourers arrived in Mauritius, they did come to the island with unchanged ideas about and experiences of caste. Relationships struck on the journey from India to Mauritius, dock marriages, the practice of hypergamy and the mimicking of higher caste behaviours and practices were all experiences which the indentured labourers might have had on their travel to Mauritius. Thus, while they might have been versed in the ideal ways to maintain religion and identity (i.e. via the official religious discourses), they were also

#### Reference 703 - 0.01% Coverage

altered and attempted to change

practices and beliefs in order to meet their particular needs. Once in Mauritius and among a myriad of concerns (including survival), there remained a deep concern in maintaining caste-specific identity and hierarchy, especially regarding the issue of crossing waters which could defile the individual. In Mauritius, it is possible (and this needs further investigation) that the idea was that one could reverse or attenuate the spiritual pollution caused by the travel over the sea to Mauritius by reasserting and strengthening caste specific rituals and practices. As the Indian descendants were far from home and were in a space in which there were competing beliefs and practices, it became imperative to reassert caste identity, not only to maintain privileges but to maintain the illusion of purity, which is vitally important to the maintenance of one's identity. To acknowledge a common identity as Mauritians could have jeopardised existing system, privileges and the illusion of control. However, and as many scholars have noted (see the writings of Oddvar Hollup on caste in Mauritius for example), the concern with the maintenance of caste identity is not one which has evolved 'organically' since the arrival of indentured labourers. What the literature tells us is that there were concerted efforts on the part of scholar-politicians (the Bissondoyal brothers for instance) who promoted the reification of caste in almost essentialist terms. This practice has led, as we discuss further on in Section 5 of this report, to the institution of socio-cultural organisations which can promote racial and ethnic segregation in Mauritius.

A quick overview of the

#### Reference 704 - 0.01% Coverage

##### DISCOURSE, POLICY, PRACTICE AND EXPERIENCE

Mauritius in 1928 appeared to pave the way for a more racially-integrated society. However, and despite this important change, racism remained institutionalised or at least a very salient feature in Mauritius. Politicians remained largely male, white and wealthy. Businesses in the 1930s remained mostly white-owned and male-run. It was only in 1947 that the vote was extended to the literate in Mauritius and this saw the gradual transformation of a racially-oriented political system. But even so, the underlying discourse then was that only literate people could understand the meaning of equality and of democracy. Women were largely excluded from this newly-enfranchised population and the many illiterate slave descendants and descendants of indentured labourers were excluded.

In the 1980s, there was

#### Reference 705 - 0.01% Coverage

the class struggle, that refuses

communalism, that promotes Mauritianism ... but in fact it is somewhat false because when we have a close look...we note that even in 83 a majority of Mauritians of Indian origins, of Hindu faith did not vote because the Labour Party on its own counts 30% of the seats at national level and to reach this result it is obvious that the Labour Party has had to cast about 60-70% of the Hindus electoral vote, that is even where there was a gathering of forces, a move that excluded the Hindus. They were not there but had remained faithful to the Labour Party for reasons that we can thoroughly explain...)

'...C'est-à-dire dans cette

#### Reference 706 - 0.01% Coverage

pays ils sont originaires...13

(Eng. Trans.:...That is during the first period of the MMM between 1969 and we shall say 1982, there was mass awareness of all this, when shame started to disappear, where the slave descendants accepted (their descent), they said "yes I am a slave descendant, the descendants of indentured labourers also accepted it", hence it was a great period which saw the real construction of identity and of a national culture and there was no shame in it. Hence it was a great period. And then there was a reconstruction as from 1983 when in fact they wanted to preserve divisions and as from then there was another awareness building in parallel in the Hindu community that was a large mass somewhat homogeneous. But as from 1983 subdivision started to appear...to reappear. We started to talk of Telegu, of Marathi, Tamil etc etc. Rajput, groups will be set up. Where it means this kind of mass cohesion won't exist anymore. Each component of the Hindu community will find his bearings. But among the Creole it won't be possible as there are no elements to know their exact country of origin...)

Discourses in the construction of

#### Reference 707 - 0.01% Coverage

##### DISCOURSE, POLICY, PRACTICE AND EXPERIENCE

the process of providing counter-narratives about race in Mauritius. Such narratives seek to displace the negative stereotyping of slave and indentured labour descendants. They are positive discourses in the sense that they seek to restore dignity and hope to those who have experienced marginalisation. The latter is very important because in Mauritius, there is rarely a discussion on how scholarly work might contribute to the reconstruction of racial discourses. If we consider how (in the past), scholarly and scientific outputs were important to the consolidation of scientific and social racism, we should not be so quick to dispense with scholarly work on identity issues in Mauritius. We shall return to the issue of discourse and identity construction at the end of this report in the section on recommendations. For the moment, we are focused on that the fact that the transformation of the discourse of victimisation is a potent means of rejecting popular, negative (and racist) discourse about Creoles:

In line with the above

#### Reference 708 - 0.01% Coverage

they fled to come here...)

The first wave of immigrants came as indentured labourers and many of them returned back to their homeland because they could not adapt in Mauritius. The second wave of migrants can be considered as political refugees since they left their homeland because of civil war but with the intention to return after

the war when the political situation would be stable, and also after having saved money in Mauritius. But finally, many stayed in their host country; hence, according to the informants, they identify themselves as Sino-Mauritians, as Mauritians of Chinese origins because, firstly, the Chinese Diaspora in Mauritius still has close ties with their country of origin, with families living in China, secondly, they continue to perpetuate, to some degree, their ancestral traditions and practices and finally because the local Sino-Mauritian community is a recent migrant community compared to the other groups.

However, according to Andy and

#### Reference 709 - 0.01% Coverage

they take an English, French...)

However, as we indicate further on, in our discussion on the youths and socialisation, the integration of the Chinese descendants is not as easy as is claimed by the previous informant. The identification of them as 'different' and in some cases, sub-human (see for example the racial epithet regarding people of Chinese descent), sets them apart from other communities in Mauritius and encourages racial exclusivity within the group. This presents an interesting issue for the TJC. The Bill requires an investigation into the legacy of slavery and indentured labour and our task is to investigate the historical and contemporary experience of racism. What do we do about those who fall into neither of these categories but experience either direct or aversive racism because they live in a pigmentocracy and culturally conservative society in which whiteness is privileged?

In our research, it was

#### Reference 710 - 0.01% Coverage

legal or even social recognition.

The data is not clear as to whether there is also a group similarly affected among the descendants of indentured labourers. It is possible that such a category may be identified in the research of the Social Stratification Research Group.

Thus, what one finds in

#### Reference 711 - 0.01% Coverage

kind.

#### CONCLUSION TO SECTION 2

It is our conclusion that socialisation from a very young age, plays a major role in determining the experiences of slave descendants and descendants of indentured labourers. While the latter may not be expected to consume alcohol, it is found that their social lives are also constrained by the expectations of the older generation, the religious authorities, the school context and the places in which they reside. Thus, all these factors conspire to foster a relatively restricted existence for the youths of Mauritius. Indeed, in the school context itself, we found that the youths are able to experience a measure of freedom from these constraints. But once outside the school context, they are expected to conform and perform their assigned 'racial' or ethnic identity. Conflict arises when the individual does not conform as expected by family, friends and religious community.

This is

exemplified by the

#### Reference 712 - 0.01% Coverage

sector it is very obvious...)

The informants, as testified by Kathy and Claudine, pointed out that even though slavery has been abolished, the Blacks are still being treated as slaves because they are exploited by their employers, and their working conditions are harsh as they are underpaid and work long hours to earn a meagre salary for subsistence only. The Blacks refer to both the Indo-Mauritians and the Creoles who constitute the servile labour force.

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#### Reference 713 - 0.01% Coverage

produit dans le pays... '44

(Eng. Trans.:...In Mauritius communalism is a nice word for not saying racist. In fact I speak rather of racism than communalism. For me Mauritius is mostly racist...what communalism means in politics? It means that this party will favour this community, it is obvious and I refer to the Labour Party, (it) continues to say that the country belongs to the Hindu and hence it favours the Hindu, the PMSD says it favours the Creoles in the MMM it has never been the practised...it is what some journalists named scientific communalism and I do not like this term because when we say scientific communalism it might remind Nazi theories, it might remind ethnic groups, it might recall appalling things. In fact there is what we might name a real will, a real politics of what we might call 'quota' that is each community has to get in numeric proportion a share of the wealth and resources of what is produced in the country (Gross National Product...).

The research also revealed some

#### Reference 714 - 0.01% Coverage

productivity in the factory.

Hindus

tended to 'stick together' to defend the interests of their co-ethnics, if there was a quarrel or dispute regarding a work matter. Creoles, on the other hand, were mostly part-time workers who supplied the factory with semi-finished goods produced from home. The impact of this on the individual development or career/income prospects of the Creole woman may need to be assessed. It would seem to us that this arrangement disadvantages Creole women because they are not really protected by Labour Laws of our country and may not fully understand the implications of the work contracts to which they agree. As noted previously, not only are Creoles stereotyped, but they are also compelled to become invisible and are isolated, so as to avoid potential ethnic or racial conflict in the workplace. In the following, we document the experience of a young Creole woman with racism in Mauritius:

Marie Michèle testified how at

#### Reference 715 - 0.01% Coverage

put it there power comes...)

For a long time, Marie Michèle has felt inferior because of her skin colour, her social status – she is from a 'poor' family background – and geographical location – she lives in Black River. Her lightskinned family

members, parents-in-law, school friends and strangers made her feel inferior because she is Black and of African phenotype. There are still people who adopt racist attitudes and behaviour towards her such and there are people who are taken aback that she is a qualified teacher and has official tertiary qualifications as it goes against peoples' mind-set (they assume that she is a menial labourer).

In line with Marie Michèle's

#### Reference 716 - 0.01% Coverage

##### UNDERSTANDING THE BURDENS OF RACISM

In this section of our report, we wish to draw attention to the following issues and questions. What are the long-term consequences of racism on the population of slave descendants and the descendants of indentured labourers? How is long-term trauma of this nature articulated among the affected populations? What services exist in Mauritius today, to assist those in need of therapy to cope with racist experiences? It is evident from our reflections on those experiencing psychological trauma from racist experiences, that this can cause debilitating symptoms and long-term damage to the psyche. The following section is structured as follows: First we offer a brief overview of the possible links between post-traumatic stress disorder (PTSD) and the experiences and behaviours to be found among slave descendants. Second, we offer an outline of the Mental Health Services to be found in Mauritius today, as per the overview of the clinical psychologist on the team. Third, we discuss evidence for destructive behaviours and the possible reasons for maintaining these. Finally, we discuss racist events in Mauritius and the ways in which people have responded to these.

The Issue of PTSD among

#### Reference 717 - 0.01% Coverage

be racially different from them.

The same Manageress also relayed a story regarding reverse racism which she witnessed at BelleMare beach on the East coast of the Island. She suggested that even victims are capable of initiating racist events. She explained that she was taking a group of colleagues and visitors to the beach and she came upon a group of young Creole men offloading beer crates from a truck. Amongst them was a Franco-Mauritian youth also assisting with the offloading of the crates. It appeared to the Manageress that the sight of white man doing hard labour was so unusual that one of the Creole men said: "Hey, we have just commemorated the 1st February (abolition of slavery), now we have a white guy working for us, lifting things. Hey, are you gonna flog us?" The haranguing of the Franco-Mauritian and reminiscence of the role of 'his ancestors' as slave owners, carried on for a quite a while and the Manageress was astonished at the intensity of the abuse. However, as she was with tourists and people who did not understand Kreol however, she did not feel that it was her place to intervene and left the young men to their own devices. It is our view, however, that even if the Manageress had been on her own, it would have been near impossible (and inadvisable) for her intervene, as she is of a different ethnic and racial group to the men and she is woman. As we discuss further on, race and gender converge to produce a particularly volatile mix in Mauritius where women of colour (in particular) experience higher levels of discrimination.

Vera, Hernan and Feagin (2004)

#### Reference 718 - 0.01% Coverage

the laws of Human Rights.



Indeed, in line with Mrs. Jackie testimony, it seems that fair discrimination is common practice in recruitment exercises and is not seen as a breach of the Labour Act, but rather as a loophole in the Law that allows employers to discriminate fairly against people.

...What is fair discrimination, you

#### Reference 719 - 0.01% Coverage

critical and scholarly reflection.

In

our work, we have found that those victimized by racial discrimination in Mauritius use a range of strategies of means to resist and subvert stereotyping. In brief, they use what James Scott (1990) calls 'hidden resistance' to subvert and oppose the impositions of the powerful. In our accounts, we have not highlighted these methods of resistance, mainly because it is thoroughly documented elsewhere (C.f. Boswell 2006 and Vaughan 2005). In music, dance, poetry, oratory, story-telling, acts of defiance and personal success, slave descendants in Mauritius, as well as the most impoverished and marginalised of the Indian Indentured labourers, continue to fight oppression and racial invectives (Reddy 2001).

In the discussion on Truth

#### Reference 720 - 0.01% Coverage

descendents are in the majority.

That financial reparation is provided to individual families of Creole and African descent. We feel that this should take the form of investments in important shares and resources, so that this community and its descendents are better able to create a more stable social and economic existence going into the future. While we recognise that Indian indentured labour

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#### Reference 721 - 0.01% Coverage

and its legacy more enduring.

That a system and policy of affirmative action be implemented in Mauritius to address the social and economic imbalances created and fostered under slavery, indenture and colonialism. This system and policy of affirmative action must take into account that slave descendants in particular have been discriminated against in employment, access to land and a range of resources (including for example, bank loans). In the first instance, women of slave and indentured descent should benefit from this system of affirmative action. While it is acknowledged that it is presently difficult to define who is a slave/indentured labour descendant, policy-makers (and Government) should ensure that positive discrimination occurs. This might also require a moratorium on the employment of White and Males for a specified period of years.

4.

There should be a

#### Reference 722 - 0.01% Coverage

process, the domination hierarchy, etc.?

If one focuses on indentured labourers coming from the Bhojpuri territories (which approximate to today's Bihar Jharkand and East Uttar Pradesh), amounting for approximately 60% of the indentured labourers brought to Mauritius (Benedict 1961), we do know the general pattern of caste prevalence and repartition, for instance.

The Bhojpuri territory is ambiguous

#### Reference 723 - 0.01% Coverage

caste leather worker) or Brahmin.

The real caste identity of indentured labourers may be different to what is listed in official registers of immigrants for reasons well studied by historians. Individuals are declared under caste names (Ahir) but also with sub-caste names, professions, or regional origins (Bengali). We cannot be sure how far the British understood the 'caste' terminologies of potential immigrants. Secondly, emigration offered an opportunity for upgrading one's caste status. Opposite strategies were also used, however, to secure the right to emigrate. These strategies were known to the British who started inspecting the hands of emigrants to check for signs of the immigrants having performed manual labour. The registers thus show a multi-caste type emigration, quite representative of the Indian caste distribution (Deerpalsingh 2000; Servan-Schreiber 2010). True enough, peasant castes were over-represented, but such is already the case in India itself (Tinker 1974).

In India, Brahmins did not

#### Reference 724 - 0.01% Coverage

with their leaving their region.

If one turns to popular traditions, and not to 'elitist' textual ones, it is observed that the repertoires of Bhojpuri folksongs in India are all centered on exile. Ironically, it is only, once he was settled in Mauritius, that the Bhojpuri 'eternal immigrant' relegated as secondary the traditional themes of the exiled individual (bideshiya)! As a result, it seems difficult to associate the departure of Indian indentured labourers for Mauritius with to the rupture of a fundamental taboo, and to an inevitable radical loss of caste identity.

It is also important to

#### Reference 725 - 0.01% Coverage

India.

Settling in estate camps

The first Indians to arrive in the 1830s, 1840s, shared the same living and working spaces as the exslave population still on the estates. Ritual purity and occupational specialization were left behind during the sea voyage and the installation in camps. These spaces have been cited as presenting obstacles to the reproduction of the Indian caste system in Mauritius by Hazareesingh and Benoist, among others, who stated that Indian indentured labourers waited until they left the estates to settle in villages (in the 1880's) to reproduce the Indian social structure.

In the camps, the absence

#### Reference 726 - 0.01% Coverage

affiliations and jahaji bhai relationships.

Regional origins were yet another important identity marker. The historical record shows 'a certain propensity for immigrants from the same home district in India to settle near one another' (Allen, 167). Marina Carter (1995) also explains how the strategies of 'returnees' for recruiting new labourers reinforced the process of bringing together people from the same district and villages. This strategy, based on the returnee's social network enabling him to contact and convince new candidates, was bound to help maintain caste solidarity and logic.

Castes with the largest numbers

#### Reference 727 - 0.01% Coverage

endogamy is still practised widely.

The contexts in which caste is still present in Mauritius, among descendants of indentured labourers are:

- Wedding arrangements
- Commensality
- Devotional practices

#### Reference 728 - 0.01% Coverage

were reserved for them.

- Purity

The purity factor was prevalent in Mauritius among indentured labourers and their descendants, leading to a caste hierarchy.

Although as in India in

#### Reference 729 - 0.01% Coverage

in a definitely Mauritian identity.

The school system (via text books and national programs) should be revised to incorporate more recent approaches of the Mauritian history. The need is 1/ to break the global division line between indenture and slavery in such a way that descendants of both slaves and indentured labourers realize their common historical fate in Mauritius, and their effectively shared living and working conditions in the estate system that resulted in common representations and practices that ought to be valorized whereas they are denied and forgotten. 2/ to promote the shared popular culture of indentured and slaves descendants. This popular culture needs to be valorized against current temptations to promote an invented root in Sanskrit elitist and orthodox Indian culture. The more people will be conscious and proud of their truly popular roots, the more they will realize their shared past and roots with all Mauritians.

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#### Reference 730 - 0.01% Coverage

may illustrate such a dilemma.

We argue, partly following OddvarHollup (1994:297), that, more than an overall disintegration of caste, «caste differences among overseas Indians came to be understood differently in terms of content and

meaning ». Caste associations, for example, are conceived and manipulated as interest groups lobbying for political purposes. Behind caste identity, one finds a potential lever for pressure groups in order to have access to national resources. As the Mauritian State helps neutrally all religions, and funds equally the so-called "socio-cultural associations", the risk (already verified) is to encourage a blossoming of many such associations whose goal will be mainly to capture part of the State resources. The descendants of Indian indentured labourers have already split between Muslims and Hindus, then Hindus split between Bhojpuri (so-called "Hindus" in Mauritius) and Tamils. Tamils are being more and more separated from Telugus. Inside Hindus, Arya Samajists and Sanatanists still represent two different and sometimes (according to the context) opposed communities.

No need to go further

#### Reference 731 - 0.01% Coverage

the Hindu caste system.

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2.2 5.2.3

Contrasting patterns: Unified against others. The Indian indentured labourers 711 The cultural capital of Chagossians, Agaleans and Rodriguans ..... 712

5.3 Family and the

#### Reference 735 - 0.01% Coverage

government services or private sector.

employment has led many into casual work, hard manual labour which are poorly remunerated;  
(c) Social life impedes proper

#### Reference 736 - 0.01% Coverage

the upper middle class "elite".

In the statistical analysis of data, to comply with the official distribution of the populations in Mauritius, we shall use the term "General Population" whenever it is not possible to identify accurately class positions. For example, in the division of labour according to ethnic origins, this term will be used, in the knowledge that status and salaries often follow the hierarchy of "colours" ("pigmentocratie"). Again, in the education sector, the same will be used, in the knowledge that geographical locations of schools can give indications of class identities, mainly working class or not.

the Truth and Justice Commission

#### Reference 737 - 0.01% Coverage

Service in 1962, 1975, 2005

The choice of three years 1962, 1975 and 2005 are due to two main reasons: before and after Independence and exodus of general population elite to Australia, coupled with a rough estimate of work cycle (30 years) for the renewal of labour force and recruitment of a new generation.

We need to recall here

#### Reference 738 - 0.01% Coverage

Corporation and Central Electricity Board

We have chosen these three companies because of traditional distribution of labour force, dockers, semi-skilled or skilled workers among Creoles.

Table 6: Mauritius Ports Authority

#### Reference 739 - 0.01% Coverage

13 out of 22; 59%)

Analysis from these three sectors confirms the absence of Creoles in sectors which require less skill. It will be interesting to analyze evolution over time and re-composition of labour division along ethnic lines.

4.1.4 Poverty and

#### Reference 740 - 0.01% Coverage

Interpretations 4.2.1 Housing

Historical conditions to land access in 1872 for the Indian indentured labourers by the Royal Commission have been a major factor in the setting up of housing plans for individuals as well as the community, pulling together resources for long term goals. Lack of economic opportunities offered to "ex-apprentices" from

the slave population as well as absence of provision for them as far as land was concerned have contributed to "nomadism", transitory dwellings according to job opportunities. Unstable labour market coupled with absence of "enracinement" that a permanent house can foster have contributed to lack of savings for investment in housing from slave descendants. They are the most destitute in this sector and inhabit mostly "Cités".

Housing conditions and environments, as

#### Reference 741 - 0.01% Coverage

to operate in their recruitment.

e) Lack of motivation from the people who are discriminated against. f) Self-renunciation in competition on the labour market and feeling of inadequacy

g) Lower performance and attitudes

#### Reference 742 - 0.01% Coverage

state of mind hindering entrepreneurship.

i) Restructuration in the labour market gives birth to growing concerns about future means of living among unemployed youngsters and those, coping with the educational system. Young married adults facing precarious jobs as "journaliers, cé qui pé gagné" are compelled to live with parents/ in-laws. The value of education, already low in the social environment is decreasing rapidly "'a quoi bon travail, quand pas sire gagne travail". Parents, having made the necessary efforts and sacrifices, obliged to cope with changing conditions of entrance on stable labour market feel cheated. With the rising costs of living, this unexpected change gives rise to frustration and feelings that "pli ça va, pli vinne difficile pou débatta". Formerly, "ti capave trace, tracé" through a succession of casual jobs before proper entrance on stable labour market, and setting up families of their own. Additional family tensions, inactivity among youngsters and young adults breed high consumption of alcohol, drug addiction and prostitution among young women.

#### 4.2.4 Poverty and

#### Reference 743 - 0.01% Coverage

in economic terms; it has

nevertheless repercussions on life prospects of families and younger generations. Socialized in consumption patterns that they would not be able to afford, restricted access to stable labour market for low-skilled groups,

the younger «could be ordinary

#### Reference 744 - 0.01% Coverage

Poverty associated with discrimination measures

In Rodrigues, unlike in Mauritius, the discrimination factor in the production of poverty is more political (Rodrigues in comparison with the island of Mauritius) than social. Unemployment and precarious jobs are due to impoverishment of the lagoon, land erosion, access to water, seasonal changes, a decline in jobs in the Civil Service. In Mauritius, due to centralisation and mechanisation in the sugar industry, disappearance

of sand extractors, decrease of demands on small artisans or employees in the construction sector through emergence of bigger firms/ groups offering the same services, less recruitment in the EPZ sectors are indicators that the labour market is offering lesser opportunities to the population concerned in this report. Risks of downward social mobility and poverty, although associated with structural reasons are also strongly connoted with discrimination measures.

- Poverty and culture of today

#### Reference 745 - 0.01% Coverage

slavery communities, have pointed out, worldwide, a fragmented social identity through division within these communities. Two of the biggest dividers are economic status and skin. Lighter skinned slaves or labourers from India were given the most lucrative jobs within the slave community, such as working as servants within the slave-owners home, running errands outside of plantation grounds, usually better dressed and fed than those of darker skin. The masters boosted the ego of the lighterskinned slaves who in turn despised those working in the fields or as woodcutters, stone cutters, coming mainly from Mozambique (Moutou, 2003). Darker skinned slaves and those with more pronounced Negroid features would usually encounter more difficult living conditions on the plantation. Deemed to be the most inferior of the supposedly inferior race, treated as such, they were usually housed far from the plantation house, and in close proximity to the fields in which they were forced to work. They were given the most demanding jobs, the most basic living quarters, and the least appealing clothing. In consequence, the act of giving better treatment to the lighter skinned slaves served as a tool in which slave owners kept an element of dissension and strife among the slaves.

This difference in treatment between

#### Reference 746 - 0.01% Coverage

against other dark skinned slaves.

If these different social stratifications, according to skin colour and division of labour on the plantations, "pigmentocratie" were set up between those freed before 1835, who will become the "elite" and those freed after 1835

#### Reference 747 - 0.01% Coverage

and needs to go further.

In comparison with Indian indentured labourers, who could practice their religious beliefs without encountering affective and cognitive dissonance, embracing an alien faith was for the slaves an enterprise of self-destruction, a denial of self, dissolving basic structuring of personality.

At the same time, the

#### Reference 748 - 0.01% Coverage

at individual and collective levels.

5.2.2 Contrasting patterns: Unified against others. The Indian indentured labourers

In the initial phases of Indian settlements, the identity formation of the immigrants is to be understood in the context of their nature of work and new social setup, totally different from the experiences of the mother-land. They presented a unified Indian labour identity against the plantation regimes and this identity was asserted by groups as well as individuals.

At the same time, despite all hardship, many emigrants, especially from lower castes, did feel some improvement over their condition in India, given their experiences back home where they were permanently consigned to the fringes of rural Indian society as untouchable, tenants-at-will, and landless labourers with little hope of improvement in life. Indian identities became sharper in the later phase of their settlement, starting to live as a community in the villages. The Indian settlements were largely based in isolated areas, often a few miles away from the nearest town. Kin ties often played a role in determining post indenture settlements. Imams and Pandits were the leading figures within the communities, and under rural farming conditions, the social structure of the villages was similar to that in India. In these villages, informal social institutions also existed in order to celebrate marriages, coordinate religious ceremonies and celebrations. Similar to Indian villages, there were Panchayats (village councils) to settle local disputes. Members were affluent people of the villages who were chosen on the basis of caste, intelligence or education.

Less pressure towards assimilation in

#### Reference 749 - 0.01% Coverage

Today, precarious jobs, unemployment, rejection on the labour market increase this disqualification process. The mother's role

#### Reference 750 - 0.01% Coverage

anchored in a collective memory.

The psychological stress experienced by many slave descendants' males goes unnoticed by mainstream society until it manifests itself in the form of drug and alcohol abuse, domestic violence, psychosis, suicides, etc. The internal and external tension experienced also lead to health issues such as hypertension, cancer, and mental disorders, which only exasperate an already fragile condition. Difficulties in finding their ways on the labour market add to a fragile ego, trying to exercise authority. Again, here it may be symptomatic that Male GP are almost one-third (31%) of all inmates with same ailment (87 out of 280). Cf. section on statistics.

Machismo is in part responsible

#### Reference 751 - 0.01% Coverage

Creoles to • land and housing

- labour and its division from slavery, post 1835 for "ex-apprentices" in manual, semi-skilled and skilled work
- social and economic networks ( from

#### Reference 752 - 0.01% Coverage



sont encore plus minces »

18

A survey carried out by Le Mouvement d'Action Catholique des Enfants in Rodrigues indicated in 1993 that out of 264 children at work, 44 were between 6 and 12 years old, and 220 between 13 and 16. The major reasons for entrance on the labour market at these early ages were poverty and failure in the school system.

19

In recent years with

## Reference 753 - 0.01% Coverage

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#### Reference 755 - 0.01% Coverage

amongst a number of other

questions, seeks to address the following : 'Conditions of education of slaves, ex-slaves, indentured labourers and descendants, the state of 'enforced illiteracy' and its consequences on the slave population, the consequences of denial of education; consequences of non-inclusion of an oral culture. This Education Report also examines the articulations between the past and the present and how education can therefore be used as a tool for reparation and thus mitigating the tensions and injustices resulting from a history of injustice and oppression.

In order to answer the

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Report examines the patterns of

inclusion and exclusion during the colonial period. It argues that the denial of education to the children of slave descent and indentured labour meant that the oppressed, (for a very long time) could not reverse the unequal power relation, could not access

what they possessed and had to remain subjugated to the colonisers. The abolition of slavery and the arrival of indentured labour from India in the 19th century not only changed the demographic profile of the island, but also provoked a different response from the Colonial Government in as far as education is concerned. The colonial education project was a violent one and harmed the colonised in diverse ways. The role of institutions, particularly the Church, in repressing the culture and identities of the non-white is also discussed.

The democratisation of education during

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combination of both quantitative and

qualitative methods. Primary data was obtained through a survey of pre-vocational schools, and a voice was given to some of the main actors in the educational process, particularly the students of the pre-vocational sector, through the use of Focus Group Discussions (FGD). Plans, policy documents, newspaper cuttings, the Hansards, as well as some relevant hearings, were also used. In addition, the education team organised 2 major workshops – one on the theme of Consequences of slavery and indentured labour and their implications for contemporary Mauritius, the other on Consequences of slavery and indentured labour – Social Justice, where former Ministers of Education gave their views on how the past has informed the present in the educational field.

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race and gender be obtained.

Cohesion and reconciliation depend heavily on our ability to see and understand what is happening today, right now - more than 40 years after Independence with all the learning and consequences (some visible and others not so visible) that our slave and indentured history has left us with. The legacy of the unequal power relations and deep divisions that existed between the haves and the have-nots, the White and the Non-White, the coloniser and the colonized, has taken many forms, and has had many consequences. Digging into the implications of this legacy, particularly as pertains to the educational arena, is a complex task since education in multiethnic Mauritius is often shaped and influenced by a number of forces with different vested interests. Several institutions have left their mark on education, some more positive than others. Education in Mauritius was, during the colonial period, a very rare commodity. When it did come on offer, it was for the privileged few. Enforced illiteracy had several consequences for the descendants of slaves and indentured labour, many of whom became assetless, powerless and voiceless as a result. After the abolition of slavery and the arrival of indentured labourers, things started changing somewhat. The British Colonial Government was somewhat more willing and disposed to look into the educational requirements of the population but despite this, education was still largely limited to some sections of the society.

The imposition of a colonial curriculum on the descendants of slaves and indentured labour meant that a large part

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enforced illiteracy', the non-inclusion

of an oral culture, the conditions in which the people of slave and indentured labour descent obtained education, the report emphasises the articulations between the past and the present. In so doing, it seeks to examine key questions such as what are the ingredients necessary to bring about durable peace and cohesion, give credence to national unity rather than simply talking about unity and remain divided. It will also explore the complexities associated with educational policymaking that make it so hard to move towards a genuine and true widening of opportunities for our children, while taking into consideration their multiple talents, their cultures and emotional intelligences. Whether Mauritian education has contributed

to the emergence of a national identity and to Mauritianness is also a key question of concern and relevance to the education team.

Reconciliation is fundamental to the

#### Reference 760 - 0.01% Coverage

built around the following outline:

- Introduction • Chapter 1: Broad Aims and Objectives of Education • Chapter 2: Methodology • Chapter 3: Slavery and Indentured Labour - Commonalities and Differences - the Broad Consequences of same on Education
- Chapter 4: Patterns of Exclusion

#### Reference 761 - 0.01% Coverage

target them for the study.

labour.

Chapter three examines the commonalities

#### Reference 762 - 0.01% Coverage

during the French and British

colonial periods. The role of institutions such as the Church and the part played by some key figures in the education sector is also discussed. It also examines some of the legislations during those two periods and the implications of these for the descendants of slaves and indentured labour. More importantly, the question of linguistic and cultural exclusion and the implications of these for a stratified society such as Mauritius is discussed.

Chapter five first describes the

#### Reference 763 - 0.01% Coverage

argues that the suffering and

injustices, experienced by the descendants of slaves and indentured labour, cannot be repaired through monetary means. It is essential not to attempt to commodify such a complex history which continues to inform the present. This chapter borrows heavily from hearings at the TJC to highlight the various discriminatory practices and prejudices which prevail in contemporary Mauritian society and argues for the urgent need for some form of reparations. Education which caters for mixed abilities and heterogeneous cultures and backgrounds, coupled with some kind of affirmative action, seems to provide part of the answer. The chapter examines the potential that education therefore holds as a tool for reparation.

Chapter eight is the concluding

#### Reference 764 - 0.01% Coverage

times in the country's history

but the way that education impacts on the different segments of society has been largely informed by the historical and socio-economic development of the country. In trying to analyse the consequences of slavery and indentured labour for education in Mauritius, one inevitably has to look at the way education was organised and delivered during the different historical periods.

## 1.2 The Right to

### Reference 765 - 0.01% Coverage

as their themes "Consequences of Slavery and Indentured Labour and its implications for Contemporary Mauritius" and "Consequences of Slavery and Indentured Labour on Education in Contemporary Mauritius - Social Justice and Education". The second workshop brought some of the former Ministers of Education to the same platform and assisted the researchers with a further appreciation of how educational policy-making is arrived at and its implications for Mauritian society.

## 2.7 Research Ethics

One

### Reference 766 - 0.01% Coverage

#### TOOL FOR REPARATION CHAPTER THREE

#### THE SEQUELS OF SLAVERY AND INDENTURED LABOUR AND THEIR IMPACT ON THE EDUCATION OF DESCENDANTS IN MAURITIUS

## 3.1 Introduction Slavery and

### Reference 767 - 0.01% Coverage

#### 1 Introduction Slavery and indentured

labour are two distinctive oppressive systems with adverse consequences. There have been long debates among History, Human Sciences and Law scholars to define the two systems, some wanting to assimilate indentured labour to slavery (Tinker, 1974) or subsuming slavery and indentured labour under other concepts such as "servitude" (Mishra, 2009), others considering slavery in the 18th and 19th centuries as a radical form

### Reference 768 - 0.01% Coverage

is condemned and largely eliminated."

Talking today about the sequels or legacy of slavery and indentured labour means that these colonial past events have had

### Reference 769 - 0.01% Coverage

to provoke new questions and

deeper research into the historical past of slavery. Why do the descendants of slaves encounter obstacles to enjoying full citizenship in modern nations? Does slave ancestry provide a lasting stigma, passed on to subsequent generations? "These questions arise repeatedly, not only because of the specifics of slavery, but because slavery—the subjugation of people into abject submission before their owners—serves as a compelling metaphor for all the social problems of inequality and oppression." (Manning 2007, 17). This explains why different oppressed groups, including many among the descendents of indentured labourers, compare the situation of their ancestors to that of slaves.

Nevertheless, it is crucial to

#### Reference 770 - 0.01% Coverage

Commission not only to capture

the similarities in conditions of work and living between the two groups, but also to acknowledge that there is an ontological difference, a difference of nature between slavery and indentured labour. Otherwise, the sequels of slavery and of indenture would not be assessed in a fair manner and the relevancy of the whole Black/Creole struggle for reparation would just be erased.

Truth and Justice Commission 737

#### Reference 771 - 0.01% Coverage

AS A TOOL FOR REPARATION

3.2 Slavery and indentured Labour in Mauritius. Differences and commonalities. Presenting the differences and commonalities between slavery and indentured labour in table-form may help capture the main issues dealt with in this chapter. Slavery Indentured labour Presence or absence of contract

The fundamental difference between

The

#### Reference 772 - 0.01% Coverage

were being violated.

slavery and

indentured labour is that in the latter, labourers were recruited on a contract basis which they had to sign and for which they were paid wages.

Procurement process and trade

The

#### Reference 773 - 0.01% Coverage

was

Truth and Justice Commission

There were rules of recruitment. The recruits had to appear before a Magistrate in the district of recruitment, and not the port of embarkation. Indian recruiters had to bear penalties, if rules were not observed.

Recruitment and arrival were closely monitored. This is why the symbolic place for indentured labourers is their place of arrival, duly notified.

Protector of slaves and indentured labour

Many reports were written against

#### Reference 774 - 0.01% Coverage

Possibility of returning to homeland

The contract stipulated that the labourers could go back to their country of origin after a number of years' work. Some of them did, in fact, return, while others chose to stay in Mauritius.

Imposition or freedom of religion

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or maintaining of family system

At the very outset of regulated emigration of Indian labour in 1843, legislative measures supported family migration. In 1868, instructions were issued that the proportion of 40

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#### Reference 776 - 0.01% Coverage

distant relatives.

Work and wages

Labourers were paid very low wages on which there was often a "double cut" (security for good conduct and passage expenses in case of premature repatriation). Wages were not increased from 1834 to 1915.

However, this laid the foundation for future economic development.

Reification and control

Slavery denied

#### Reference 777 - 0.01% Coverage

to be fundamental Human Rights

The fact that indentured labourers came during the British colonial period, after the Abolition of slavery, meant that their rights have not been impinged upon to the same extent as the slaves.

3.3 Consequences of enforced illiteracy on the descendants of slaves and indentured labourers

Many slave-holders deliberately imposed

#### Reference 778 - 0.01% Coverage

1 Internalization of certain 'biases'

While control was not exactly of the same nature, the indentured labourers were also subject to diverse forms of oppression and harassment. Ex-indentured immigrants who had completed contracts and went

around looking for alternative jobs were defined as vagrants and arrested by the Colonial Authorities. The latter also imposed limiting their mobility. passes

#### Reference 779 - 0.01% Coverage

cultural, religious, ancestral and family

capital and a new reality and religion imposed on them, it was very difficult for them to bridge the existent language and cultural divide, to reorganise themselves and develop social capital networks. Moreover, there were no African or Malagasy traders or elite to support their struggle for freedom and rights when they came to Mauritius. They had to start again almost from scratch to create and invent a new Mauritian culture and way of life. The Apprenticeship Period deprived them of the time and economic means they needed as free people to reconstruct themselves. The massive arrival of competitors on the labour market contributed drastically to their impoverishment and low-class status.

#### 3.3.5 Deprivation of

#### Reference 780 - 0.01% Coverage

towards Creoles' situation" (Romaine, 2010).

3.6 Indian presence before Abolition and Indentured labour Indians were present in the island since the Dutch period. There were Indian slaves, convicts, skilled workers, sailors, artisans, traders from Madras, and most particularly from provinces under French occupation, namely Pondicherry and Karikal on the coast of Coromandel, South of India. The expansion of sugar production as the economic mainstay of the colonial economy, the abolition of the slave trade and the high mortalities amongst slaves (which easily surpassed their birth rates) led to an acute shortage of labour on the island, so that even before slavery had been abolished, the planters were casting about for alternative sources of labour. (Reddi 1984)

During the occupation in 1810

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#### 3.6.1. A crucial transitional period: Apprenticeship and mass importation of indentured labourers

The Apprenticeship System was a

#### Reference 782 - 0.01% Coverage

ex-slaves on the plantations

and this formed part of a 'Great Experiment', as Stanley wrote in 1842 Ordinance. Moses Nwulia (1978, 89) observed: "The apprenticeship system converted chattel slaves into serfs" and it is quite understandable that the ex-slaves left the sugar plantations and settled elsewhere. They had nothing and the overwhelming bulk of the ex-apprentices were reduced to extreme poverty and malnutrition, so that their numbers declined steadily. The withdrawal of the ex-apprentices created a labour crisis for the colony and the Government resorted to the renewed importation of indentured labourers from India in large numbers to



save the sugar farmers from ruin and the economy from collapse. The artisans who had been emancipated before 1850 had begun to emerge economically, but the massive arrival of indentured labourers changed the demographic ratio and the new labour situation brought the majority of them to a state of extreme impoverishment.

3.7 The indentured labour assets and social capital The situation of indentured labourers was very difficult on their arrival in Mauritius and they had to face many

#### Reference 783 - 0.01% Coverage

to, and development in, Mauritius

3.7.1 Baithkas - an integrating mechanism for children of Indian indentured labourers The baithkas played a crucial role in the conservation and development of the Indian culture in Mauritius: the baithka. The system of baithka (which means a place to sit together), was present in many villages in India. Bhojpuri served as the vehicle of expression and communication. When they arrived in Mauritius, the Indian indentured labourers did not meet with administrative obstacles and continued freely with this social set-up of which they were used to in their villages (Hazareesingh, 1962).

One of the assets of

#### Reference 784 - 0.01% Coverage

was a veritable socio-cultural

hub, a gathering place, where the migrants interacted with each other. The baithka exerted great influence on the social, cultural, political and economic life of the indentured labourers and their descendants. It was the seat of the Panchayat (village community/committee) where disputes and marriages would be settled, the welfare of the community discussed, villagers' hardship problems solved and support given. Baithkas provided the scope for the preservation of culture, language and religion as well as places for developing a new social, economic and political consciousness.

Baithkas played an important role

#### Reference 785 - 0.01% Coverage

important role in their social

emancipation. Indentured labourers were also supported by Indian lawyers and preminent figures from India like Gandhi who visited Mauritius in 1901 and Maganlal Manilal Doctor who stayed from 1907 to 1912 and awoke strong political consciousness in the Indian masses. Local

such as the Bissoondoyal brothers

#### Reference 786 - 0.01% Coverage

the Founding Fathers of the

Mauritian Labour Party. They collaborated with people of diverse ethnic origins and promoted the rights of the working class, irrespective of ethnic origin or creed. Their struggle had many positive consequences which were capitalised on by Indians but could not be by working-class Creoles. Though noble in its aim,

this supposedly “non-ethnic” position of part of the Creole elite was disconnected from the socio-historical reality and dynamics of ethnicity and ethnic politics in Mauritian society as it had become after Abolition and specially in the first part of the 20th century. This elite still holds the same position at present and counteracts any form of Creole cultural and political struggle. As regards education, the work of different Catholic religious congregations and later on the State schools reached the White and Free elites, then the Indian elite but failed to cater for the poor Creoles who were far from decision-making centres and were becoming part of a large working class and some of them part of a powerless proletariat.

The Pre-Independence period was

#### Reference 787 - 0.01% Coverage

was exploited by White and

Creole elites alike for their interests. Without education, working-class Creoles had few means to become critical and take their own decisions. Moreover, despite class and race distinctions, Whites, upper-and working-class Creoles were seen by indentured labourers descendants as united by a common Catholic faith, an adherence to French culture and to the French language or its Creole derivative – Kreol. In the discussions around power-sharing for Independence, Creoles were marginalised and not recognized as the first Mauritians by the Constitution of Mauritius.

The immediate Post-Independence period

#### Reference 788 - 0.01% Coverage

large numbers of Creoles, mainly

from the educated group but also from the working class, emigrated to various European countries and to Australia in the late sixties and early seventies. (Dinan, 1985) As well as depriving the Creoles of educated leaders, the administration of the country was practically totally taken by indentured labour descendants.

The economic, social and political

#### Reference 789 - 0.01% Coverage

depended on a large number

of factors. Nevertheless, in post-Independence Mauritius, and the democratization of access to education, inequalities were revealed and even consolidated. Although poor children of indentured labourers also suffer from the system, the situation has developed in such a way that it is mainly generations of Creole children who have been, and still are, the victims of a series of decisions which go back to the slave period where the policy was to provide no education, and even enforce illiteracy as a means of control. The lack of economic resources and of political power, as well as their marginalization, caused by persistent social injustice, have disempowered Creoles even more, preventing them from achieving upward mobility.

The democratization of access to

#### Reference 790 - 0.01% Coverage

AS A TOOL FOR REPARATION

essential component and sets considerable knowledge of, and respect for, the cultures and spiritual values of different civilizations as a much-needed counterweight to a globalization of the world. If this is not urgently done, globalisation will reveal even more dramatically the inequalities of Mauritian society and paralyse it, as worldwide changes require new competencies and polyvalence on the labour market. This can polarize Mauritian society further and ethnic turmoil cannot be excluded. It is only through education, encompassed within a large vision of Mauritianness, that slave and indentured labour, descendants can finally unite within one Mauritian nation and make history.

Truth and Justice Commission 745

#### Reference 791 - 0.01% Coverage

the Mico Schools, was discontinued.

In 1843, the Mico Schools were handed over to the State. This led then to the need for an ordered system of education, and the focus was no longer on the education of the slaves but on the provision of education to all. This 'concern for all' led to the neglect of the specific educational needs of the slaves. The demise of the Mico Charity schools and the Negro Education Fund represents a real tragedy for the slave population because they disappeared just four years after the end of the Apprenticeship period (1839), at a time when former slaves needed education as a tool for social mobility. With the abolition of slavery and the end of Apprenticeship, a new economy emerged in which the ex-slaves were superseded by Indian indentured labour. This systemic change inevitably led to a 'systemic exclusion' of the former slave population. It provoked a change in the priorities of the British colonisers with regard to its subjects. Indian immigrants became the new subjects of His / Her Majesty.

4.5.4 Indian Immigrants: British educational concerns By 1850, the Indian labourers formed more than half of the population and had contributed

to the economic recovery of Mauritius which was the aim for which they had been brought to Mauritius. This rapid change in the profile of the population was a cause of concern and the British began to think about the education of the children of the Indian immigrants. In 1851, Governor Higginson drew the attention of both the local and British Governments to the need to improve the state of the Indians. But no education was provided to working-class Creoles or ex-apprentices. In 1855, out of 23,500 Creole children, only 5,500 were in school (4.3%). In 1872, there were 260,000 Indians out of 310,000 people, but only about 10% of those of school age attended schools. Governor Higginson continued to fight for the education of children of labourers.

Attempts to educate the Indian

#### Reference 792 - 0.01% Coverage

of school age attended school

because they had to work. In 1908, however, a Labour Act was passed, which raised the age from 10 to 13 years at which minors might enter into a written contract. With this provision, the establishment of more schools and the improving economic conditions of Indians paved the way for future advances in Indian education (Ramdoyal, 1977, p.89). The Indian children continued to go to vernacular schools, and progressively their defiance against English and French subsided. Moreover, an analysis of the role of the Catholic Church in its missionary education during the British period would help to understand better the mechanisms of exclusion of the slave and Indian immigrants.

4.5.6 The Catholic

#### Reference 793 - 0.01% Coverage

to the French colonial period, relatively more inclusive than the French colonial period, but despite this, children of slaves and indentured labourers did not benefit from much progress and mobility. Sectarian jealousies and competition amongst the principal Christian churches also contributed to blocking the education of the slave population. The ambivalence of the Church in its actions of inclusion and exclusion also impacted on the educational achievements of both groups.

#### 4.6 Forms of Exclusion

#### Reference 794 - 0.01% Coverage

is a foreign language for the majority of Mauritians. In fact, it is a key element in reproducing social inequality (ADEA Report, 2005). We also consider that the exclusion of Mauritian Kreol as a medium of instruction in our educational system, by the time that it has emerged as the lingua franca of all slaves and indentured labour descendants, has caused great prejudice to the Mauritian child. The harm is still being done. It has been much more pronounced for children of slave descent who represent a majority of the working class and the down-trodden.

#### Truth and Justice Commission 753

#### Reference 795 - 0.01% Coverage

recognition of Mauritian Kreol at national level since Independence. It is now being introduced as an optional language in primary schools. In spite of the benefits, in terms of cultural reparation for children of slave and indentured labour descents, yet, it is too premature to assess what would be the significance of this measure. Given that Mauritian Kreol is still not introduced as a medium of instruction, it still does not enhance the democratisation of our educational system.

#### 4.7 CONCLUSION Hence, the

#### Reference 796 - 0.01% Coverage

political, cultural, denominational, gender and linguistic forms that exclusion took during the French and British colonial periods give an indication of the consequences of slavery and indentured labour. However, we might consider such policies as the opening of the Royal Colleges to the Coloured, the granting of scholarships and vernacular language policy in the early period of British colonisation and other measures in the late period of colonisation. Yet, the sequels of slavery since French colonisation and indentured labour, after the abolition of slavery, were compounded by a series of controlled and uncontrolled circumstances which led eventually to relative inequalities in educational achievements between the slave and the Indentured labour descendants.

Recent research, however, has shown

#### Reference 797 - 0.01% Coverage

manpower. A well-motivated force

possessing the requisite mental and physical skills for a modern economy is the most valuable economic asset. While the cultural background and progress of education in Mauritius have provided the basis for an intelligent and adaptable labour force, there is a need to create the skills required to meet the demand generated by prospective economics development. This would require a change in the quality and content of education, from its present generally academic emphasis to more technical and vocational orientation at all levels. (1971–1975 National Plan 68)

As early as 1971, three

#### Reference 798 - 0.01% Coverage

the Government as poverty zones.

Poverty zones are not inhabited by people of slave descent only. Some descendants of indentured labour, particularly those of the working class, also inhabit the poor neighbourhoods. Social dislocation such as prostitution, high rates of teenage pregnancy, alcoholism, high level of unemployment, often compound the problems of the poor. In these conditions, poverty becomes more complex and no doubt affects the school performance of children living in the deprived zones. The map below shows the poor performing schools, located in the deprived zones.

5.11 Decentralisation of Universities

#### Reference 799 - 0.01% Coverage

efforts towards greater democratisation by

building more schools and making transport free for all students, but if democratisation is to be more meaningful, there needs to be a fundamental reform of the system. This reform has become even more urgent, now that the country is aspiring to become a Knowledge Intensive Economy, with greater emphasis on the mental rather than on the manual. Emerging sectors of the economy demand new skills and aptitudes which only a few possess. Addressing the mismatch between the products of the Education Sector and the labour market requires that policies directly relevant to the children and youth of disadvantaged groups, particularly those of slave descent, should be borne in mind. In other words, policies speaking to equitable education, allowing for the utilisation of the full potential of the child and allowing for a more just society, should be urgently developed and implemented.

Truth and Justice Commission 763

#### Reference 800 - 0.01% Coverage

equipped to teach children from

disadvantaged backgrounds, particularly those of slave descent and indentured labour descent attending the PVE.

(2) To assess whether in

#### Reference 801 - 0.01% Coverage

of students/ the perceptions of

slavery and indentured labour; the experiences of primary schooling; what prevoc is doing for them, the aspirations and expectation; the knowledge of what generally happens to students who leave prevoc; the understanding of the notion of (i) citizenship (ii) being a patriot and patriotism and (iii) 'Ile durable'; the views on the use of Creole as a medium of instruction and as a fully-fledged language to be introduced in the school; parents' involvement in the education of their children, reading and reading habits; curriculum at prevoc and subjects the students can study.

Before presenting the findings of

#### Reference 802 - 0.01% Coverage

far corner of the classroom.

FGDs and other interviews assisted in obtaining some kind of triangulation. A summary of the responses to each FGD theme has been made below: 6.6.1 Identity of students/ the perceptions of slavery and indentured labour Many students described themselves as Creoles or Indians. Some of the Creole children called themselves Catholic but very

#### Reference 803 - 0.01% Coverage

varied from one school to

another. In very few distinct institutions, most of the students wanted to pass C.P.E., integrate mainstream and have a good job. Those aspirations simply reflected the quality of education they are receiving at school. In those same schools, those who preferred to enter the labour market, had very original ideas of what they will be doing in the future. A student mentioned operating a day care centre, while another said that she would create her own jewelries and sell them. Another one said that she wanted to operate a florist shop. In schools where students do not have great aspirations, 'hairstylist' was on the top list for future jobs.

6.6.5. The knowledge

#### Reference 804 - 0.01% Coverage

encounters and the production or

reproduction of similarities and difference, as those who move or who are moved always tend to position themselves or be positioned in relation to those they meet. Slaves were not only moved; they were uprooted and this uprooting has had several consequences, the most important one perhaps being the loss of traditions and cultures, one's heritage and identity, as already discussed earlier. The Indian indentured labourers were also moved but there was an element of choice here; they may have been pushed by some harsh circumstances but the final decision was theirs. There was some space for 'free choice and decision-making' in their movement, and this forms the basis of some of the differences that exist between these 2 systems, and which have been discussed earlier.

Cultures, with the power to

#### Reference 805 - 0.01% Coverage

that look at community development [...]"

7.3 Education as an asset for social, economic and cultural empowerment Those made voiceless, powerless, assetless and futureless by slavery and indentured labour should look upon Education as

#### Reference 806 - 0.01% Coverage

been asked to look into

the consequences of both slavery and indentured labour on Education, the Education Team's findings point clearly to the fact that people of slave descent have been more exploited than descendants of the indenture labour and continue to remain more marginalized and discriminated against than other group.

The fact that ethnicity is

#### Reference 807 - 0.01% Coverage

of the students of slave

descent and indentured labour who participated in the FGDS. Their descriptions of their lives and their engagement with us regarding different facets of their schooling experiences, highlight the diverse forms of violence that many children continue to experience today. The cultural violence done to them within the schooling set up, explained in earlier chapters, assists in putting the 'reparation' debate into perspective. But for Education to constitute the tool of reparation, it has to be reformed in a fundamental manner.

7.8 Education as a

#### Reference 808 - 0.01% Coverage

the stories unfolding from the

data obtained, it is important to understand that Education will only be able to constitute a tool for reparation if a multi-pronged approach is used. The latter will draw from symbolic action, Affirmative Action and institutional re-engineering to bring about transformation. While the next chapter details out the recommendations proposed by the Education Team towards reparation, it is important to note that the Education Team is of the opinion that the injustices and violations of rights associated with slavery and indentured labour cannot be monetized and therefore proposes the setting up of some kind of fund from which resources can be obtained to implement the recommendations proposed.

Truth and Justice Commission 774

#### Reference 809 - 0.01% Coverage

haunt a society, it is

important that those who have been responsible in some way or other, directly or indirectly present, an apology to the victims. It is therefore important that the Church, the State and the Corporate World present an apology to the descendants of slaves and indentured labour. This, though symbolical, can contribute to addressing wounds which run deep and can facilitate the healing process.

2. The Creole Language, Politics

#### Reference 810 - 0.01% Coverage

and social justice, albeit indirectly.

8. Revisit Teacher Recruitment and the Need for Innovative Teacher Training- (needs to be more relevant to slavery and indentured labour)

These would be the greatest

#### Reference 811 - 0.01% Coverage

realities of the local context.

9. Turn the PVES into NEW ACADEMIES. Optimising on the Creative Potential of Mauritian Youth (needs to be more relevant to slavery and indentured labour)

It will be necessary to

#### Reference 812 - 0.01% Coverage

Le Mauricien, 27 May, 2010.

15. According to official statistics in 1806, there was already presence of 6,162 Indians on a servile labour population of 60,646. In 1810, when Isle de France was captured by the British, Milbert mentions the Indian diaspora agglomeration in the Eastern suburb of Port Louis known as 'Camp des Malabars.' Voyage pittoresque à l'île de France, au Cap de Bonne-Espérance et à l'île de Teneriffe. Par M.J Milbert 1812.

16. Adaken, E., Bhujun, R

#### Reference 813 - 0.01% Coverage

de Maurice, Dec. 14 (29).

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78. Easton, G. 2011. The

#### Reference 814 - 0.01% Coverage

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VOL 3: PART IV – EDUCATION –THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS

SHEILA RUGHOONUNDON Writer

Truth and

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VOL 3: PART IV – EDUCATION –THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS INTRODUCTION

This report is based on

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the population on the island.

Literacy, education and such academic developments were meant only for the privileged classes. During the nineteenth Century and the first part of the twentieth Century, there was absolutely no question of promoting the welfare and advancement of the descendants of slaves and later of the Indian immigrants. And the divide between Christians and non Christians was too wide a gap which, at a later stage, caused the non Christians to rise against the injustices caused to them. They were unfortunate enough because culturally they did not belong, were meant to be kept apart and to be ignored except as labourers.

Once the Indians settled on

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VOL 3: PART IV – EDUCATION –THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS

While more and more primary

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spite of all the odds.

At the secondary level, it was the same story. The Royal College of Curepipe was the only state college up to the 1930s. Almost all the teachers at this institution were of French and British origin. They favoured people of their own racial appurtenance and religion. The Royal College of Curepipe admitted only whites and Christian students and private establishments favoured their own kind. However, here too Government had to give way in face of the increasing pressure from non Christians belonging to the labouring class and finally a few young men of Indian origin were accepted little by little. At the same time, as from the thirties, private colleges, run by the intellectuals of a new order, were set up to provide for the increase in the student population.

When the Teachers Training College

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VOL 3: PART IV – EDUCATION –THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS

became very stressful for her

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feelings as best she could.

MR. V. MOHONEE It was the year 1916. Mr. Mohonee was the child of very poor labourers working on a sugar estate in

St. Pierre. One of his

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VOL 3: PART IV – EDUCATION –THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS

A FEW EXAMPLES OF DISCRIMINATION

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VOL 3: PART IV – EDUCATION –THE STRUGGLE FOR EDUCATION BY DESCENDANTS OF INDENTURED LABOURERS • Injustices and inequalities

Rajeshwarsing Seenundun told us that

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will immediately rise in status.

History of Mauritius shows the great struggle that went on starting well before the setting up of the Labour Party in 1936. Political pressure began to build up and the silent murmur became louder and louder. The press, such as L'oeuvre, Arya Patrika, Arya Vir and Advance helped to arouse the consciousness of the people until Government had to give in by setting up the Public Service Commission in the late forties of the last Century.

The culmination of political struggle

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VOLUME 3

CONTEMPORARY HISTORY, CULTURE

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THE HEALTH OF SLAVES, INDENTURED LABOURERS  
AND THEIR DESCENDANTS IN MAURITIUS

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the dietary intake and nutritional

status of slaves (imported mainly from Madagascar and Mozambique) and Indian indentured labourers, and their descendants on the Island of Mauritius, covering the French (1715-1810) and British (1810-1968) colonial periods, with some comparison with contemporary Mauritians. Those bondsmen were mostly employed as labourers on the sugar plantation. The quality of life of slaves or indentured is a complex topic since each plantation had its own unique way of being run, and their experiences on the plantation differed in their access to food, housing and clothing, and treatment and punishments.

Mauritius had no native inhabitants

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it was a classic slave

society. Slavery dominated the Mauritian economy and way of life from the earliest colonial times until emancipation in 1835. The economy was dependent on the French planters, who were in turn dependent on slave labour. In between 1807, when slave trade was abolished by the British, and the abolition of slavery in 1835, slaves were illicitly imported from the East African coast to satisfy the labour demand in an expanding sugar economy. With the abolition of slavery in 1835, an alternative form of labour was found in the importation of indentured labourers mainly from India (Boodhoo 2010, Fokeer 1922, Teelock 1998, Valentine 2000).

Although slaves accounted for more

#### Reference 840 - 0.01% Coverage

island's population between the 1730s

and the 1820s, information about most aspects of slave life remains sketchy, especially during the 18th century, but relatively more information became available for the indentured labourers under the British administration. However, available information on food rations, diet and nutritional deficiency diseases was usually incomplete and sketchy. Moreover, during the 18th and 19th centuries, not much was known about food and its relationship to health and disease. However, the nutritional requirements of slaves and indentured in the 18th and 19th centuries, were similar to what people require today, and they too needed a balanced diet (Allen 1999).

The owners most probably knew

#### Reference 841 - 0.01% Coverage

their field workers, and therefore

their own profit, were related to their workers' diet, but they knew nothing of basic nutrition. Few people at that time understood what vitamins were and their connection to diseases. Hardly any slave owners knew how to create a balanced diet with appropriate amounts of nutrients. It should be noted, though, that slaves relied almost totally on their owners for their food provisions, whereas indentured labourers were given a food ration plus a basic wage. Some slaves and indentured could sometimes supplement their diet with food from provision grounds, fishing or gathering wild vegetables and fruits, although both groups frequently complained of inadequate or irregular food rations provided by the owners (Boodhoo 2010, Teelock 1998).

The nutrition of slaves and

#### Reference 842 - 0.01% Coverage

in protein).

Usually the slaves

started work at day-break with only a meal of boiled maize or manioc cake. After having laboured the whole day, the slave was obliged to search for his food in the woods and lived on unwholesome roots. White

inhabitants did not eat maize or manioc, giving it instead to slaves, cattle and poultry (Filliot 1974, Fokeer 1922, Teelock 1998).

Apart from common diseases, Dazille

#### Reference 843 - 0.01% Coverage

Truth and Justice Commission 807

sugar spread, the aim of the colonists being "to extract from the slave the utmost possible amount of labour" (Allen 1999).

2.2.1 Sea voyage

#### Reference 844 - 0.01% Coverage

expend about 4,400 kcal

during an "easy day" of repair work and 8,700 kcal on a "hard day" during the harvest, making an average energy expenditure of 5,500 kcal over the year in order to maintain the slave's body weight and strength (Blogen 2004). So, if we suppose that a male adult slave in Mauritius weighing 60 kg., he would need between 3,800 to 7,500 kcal per day with an average of 4,700 kcal. It is known that work on the sugar plantations was more intense compared to other cultivations. The duration and amount of labour required by each slave varied with the season; hence, the slaves' energy expenditure also changed with seasons.

Therefore, the rations provided were

#### Reference 845 - 0.01% Coverage

seriously threatened their physical well-

being. The slave diet was deficient in the calories necessary for physical labour, in protein needed to rebuild and repair body tissues and in vitamins to ward off infections and deficiency diseases. If the slaves' diet ever approached adequate standards for maintaining health and sustaining hard labour, it was through their own efforts rather than through their masters' indulgence. Protein was much more likely to come from fishing or from livestock such as pigs and fowls reared in their own time, than from their masters' food allowances. Green vegetables which they grew themselves were the likeliest sources of vitamins and other nutrients (Baker 1996).

Manioc cakes were less nutritious

#### Reference 846 - 0.01% Coverage

estate land for planting food

provisions for slaves was not widespread and many estates were in a state of abandon. Sugar cane became more popular and profitable and because of the labour shortage, slaves were not allocated to subsistence crops that would not yield revenue. Between 1808 and 1830, land devoted to sugar production more than quadrupled to 11% of the island surface area and over the same period, the area of cultivation of manioc or cassava (a staple of the slave diet) had been more than halved. Far more spectacularly, the area under cultivation of the various grain crops almost disappeared. Therefore, when required, sugar estate owners bought food supplies from Government or small estates to feed their slaves (Baker 1996, Teelock 1998).

Between a third and a

#### Reference 847 - 0.01% Coverage

rations. But if meat became

available, plantation labourers were first to receive it, and the last to receive meat would be the children and the aged for this was considered too costly. The owner considered the provision of food as an investment in labour and constantly neglected children who needed proper nutrition for growth (Teelock 1998).

Slave women had to carry

#### Reference 848 - 0.01% Coverage

root and water (Teelock 1998).

2.3 Indentured labourers 1835-1900 Despite the clandestine importation of more than 30,000 slaves during the first years of

British rule, it became apparent during the 1820s that the local slave population was inadequate to meet the labour needs of the colony's expanding sugar industry; this situation was compounded by the high mortality among slaves, especially during the cholera epidemic of 1819.

After the

abolition of slavery

#### Reference 849 - 0.01% Coverage

epidemic of 1819.

After the

abolition of slavery in 1835, as all the ex-slaves abandoned the sugar plantation (as a result of their bitter experience) after their period of apprenticeship (March 1839), indentured labourers were imported from India to supply the colony with cheap labour. By 1846, Indian immigrants comprised more than 35% of the colony's total population and soared to 192,634 in 1861 or 62% of the total population. By early 1880s, importation of Indian indentured labourers already showed signs of exhaustion and ended by 1910 (Allen 1999).

The island was fast changing

#### Reference 850 - 0.01% Coverage

such as cows, goats or

pigs. Estate owners allowed the rearing of animals inside the camp, in order to encourage labourers to stay on their estates. In the same way, some planters provided land to labourers for them to cultivate gardens (Boodhoo 2010).

Rice and dholl and other

#### Reference 851 - 0.01% Coverage



spices, became available (Boodhoo 2010).

2.3.4 Food rations of indentured labourers One of the regulations of Ordinance No.6 of 1845 defined the weekly provision of food

rations. Before 1842, 'usual rations'

#### Reference 852 - 0.01% Coverage

garnished with chutney (Boodhoo 2010).

Food rations were provided to indentured labourers in lieu of part of their wages, i.e. they received five rupees or ten shillings a month as wages and food and a clothing allowance, in addition to free housing on the estates and free medical attendance. The daily rations were as follows: two pounds of rice for one man, one and a half pound for one woman, half a pound of dhol, two ounces each of salt, mustard, oil and tamarind. This was a ration high in carbohydrate, moderate in protein, low in fat, with low levels of B-vitamins. The ration (if provided in full and regularly) was slightly more than adequate for an adult's needs; however, it often had to be shared with other members of the family. Labourers who freely drank cane juice experienced a marked increase in calories as carbohydrate-rich sugar provided considerable energy (Boodhoo 2010, Mishra 2009).

Estate owners often provided either

#### Reference 853 - 0.01% Coverage

not both, saying that Indians

preferred dhol to fish. However, this ration did not cover the needs of labourers with families, women and children too young to work. Those who became sick, while at work, received the whole ration, while those who did not attend work at all did not receive any ration. Rations were distributed on Saturdays during the 'entre coupe' (non-harvest) season and on Sundays during the harvest season. Rations and wages were given to labourers who fell sick or had an accident at work. Those who were sick and absent from work did not receive any wages or rations. But working conditions varied widely from estate to estate (Boodhoo 2010).

For the field work on the estates, the labourers were organised into three gangs (McMillan 1914):

La Grande Bande and La Petite Bande, with weekly rations of: 12½ lbs of rice, 2 lbs of dhol, ¼ lb of oil and ¼ lb of salt. This ration providing 3,800 Kcal daily is adequate to meet the energy and protein needs of one labourer, and if supplemented with some vegetables and fruits, would also cover his vitamin and mineral needs; but this ration was also shared with other members of the family.

The third gang consists of

#### Reference 854 - 0.01% Coverage

rations were often reduced or

stopped altogether for those absent from work or sick, thus causing great difficulties to workers and their families. Labourers complained about food ration distribution as being irregular or insufficient (Boodhoo 2010). The Royal Commission (1865) found that it was a universal practice to give ¼ lb of rice over the 1½ lb, as stipulated in their contract. Further, salt fish was replaced by a double allowance of dhol (Teelock 2009).

2.4 The 20th century

#### Reference 855 - 0.01% Coverage

facing the Mauritian economy remained fundamentally unchanged. The outbreak of World War I in 1914 spurred a short-lived recovery in sugar prices which soared to astronomical levels by 1920 before falling back to pre-war levels by 1925. The island's mono-crop economy could not cope with the global depression that began in late 1929 and the social and economic distress created by this situation led to widespread political protest that contributed to the rise of the Mauritius Labour Party in 1936 to represent the interests of agricultural and other workers, and small planters. This set the stage for the movement leading towards Independence which came on 12 March 1968 (Allen 1999).

Truth and Justice Commission 813

#### Reference 856 - 0.01% Coverage

generally implemented mostly through Chinese shops. At no time did rations furnish more than 2,000 kilocalories per person; at some periods, the rations only furnished 1,400 kcal. Sweet potatoes and cassava were not rationed and generally used, but would be too bulky and virtually impossible to make up for the 800 kcal deficit (it was estimated that 2,800 kcal was the minimal requirement for a typical labourer during the crop period). Apart from bread, which was not always available and had to be made from ration flour, no other energy foods were available. Although white sugar was not rationed, the ration included 125 grams of brown sugar per day (equivalent to 600 kcal), which is approximately twice the

Truth and Justice Commission 814

#### Reference 857 - 0.01% Coverage

Creoles (not Indians) (Wilson 1946).

In 1941, the Labour Department estimated that in the inter-crop season, the typical labourer would be consuming 2,700 to 2,900 kilocalories and around 3,200 kcal during the sugar cane harvest season. Labourers cutting cane during the 1942 harvest were found to be consuming approximately 2,450 kcal and 2,600 during 1943. The calorie supply of field labourers during this period averaged at 2,300 kcal. During 1944, harvest labourers were eating approximately 2,800 calories. (Wilson 1946).

Visits to labourers' homes during

#### Reference 858 - 0.01% Coverage

Department in 1936 that a hypothetical dietary, yielding some 63 grams of protein and 2,800 calories, was well within the economic reach of the average agricultural labourer and his family. It was also pointed out in this Report that pulses, leafy vegetables and a small variety of tomato, all commonly consumed, would supply sufficient protective elements. A possibility of insufficiency of animal protein appeared to be the most deficient feature of the labourer's dietary (Wilson 1946).

British experts in London estimated

#### Reference 859 - 0.01% Coverage

tea and coffee (HMSO 1943).

2.4.3 Food consumption and diet From enquiries made by the Labour Department in 1938 and 1942, a field labourer

consumed (per man-value) about 480 grams of rice, 75g flour or bread, 40 grams pulses, 20g potato, 20g manioc, 17g fresh/salted fish, 4g meat, 70g leafy and other vegetables, 30g milk, 10g fruit, 60g sugar and 18g oil per day in the pre-WWII years (i.e. pre-rationing). Such a diet would supply 3,000 calories and 70 grams of total protein. The field labourer consumed somewhat less (2,800 calories) intercrop and somewhat more (3,200 calories) during harvest. There was a calorie shortage compared to the pre-war period in the diet of the labourer during 1942, 1943 and to a lesser extent in 1944 (-22%, -19% and -12% respectively). Periodical examination of the labourers' diet during the period 1942-43 revealed a serious fall in protein consumption during 1942-43 (a mean of 38g in 1942). Of perhaps greater importance as far as the working efficiency of the labourer is concerned, is the sharp fall in the B-complex vitamins in the labourer's diet in 1943-44 (Wilson 1946).

After 1942, the ration of

#### Reference 860 - 0.01% Coverage

complex vitamins. In fact, the

drop in the supply of B-vitamins since 1942 was due chiefly to replacement of parboiled rice by white flour. The practice of discarding the soaking and boiling water during rice cooking entailed the loss of 55-80% of the vitamin B1. In the field labourer's diet, 75% of the total protein was furnished by cereals (mainly rice and flour), 15% by pulses, and only 4.7% by animal food (Wilson 1946).

2.4.5 Children's diet

#### Reference 861 - 0.01% Coverage

showed high mortality amongst slaves;

During the British period, owners normally gave priority to slave labour for food provisions at the expense of children. The vicious cycle of malnutrition and infectious diseases resulted in high mortality and growth retardation in the early years of childhood. It was only when children entered the labour force that the slave-owners would provide them with a more varied diet. It was also possible that slave parents supplemented their children's diet but the extent of this is not known (Teelock 1998).

Slaves in Mauritius, whether male

#### Reference 862 - 0.01% Coverage

18 years, with the NCHS2

Growth Charts made in 1826, showed that the heights of Mauritian slave children were significantly below the NCHS reference throughout the age range studied. These differences in heights may have a genetic component, particularly since some Mauritian children had Indian and Malay ancestry, but it seems likely that malnutrition, disease, and hard work played a part in keeping the slave children short in stature. At 18

years of age, boys were about 25 cm shorter and girls about 15 cm shorter than the NCHS reference for the respective sex (Valentine 2000). Both slave boys' and girls' growth curves started to level off much earlier than the NCHS growth curves, indicating that the nutrition of slave children was inadequate to support growth, as well as hard physical labour to which they were subjected at a young age. Figure 1 compares the heights of Mauritian Creole slaves (i.e. born in Mauritius), and modern-day Mauritian Creole adults and US adults. It is obvious that Creole slaves were shorter than even their modern-day descendants as a result of the chronic under nutrition, hard labour and disease prevalence which they experienced during the slavery days.

2 The United States National

#### Reference 863 - 0.01% Coverage

as far as health care

and the supply of food were concerned. There was a correlation between sugar production and slave mortality, due to, among other reasons, severe labour, insufficient food and living conditions. The 1832 Census revealed continued persistent high mortality figures in most estates, as a result of little improvement in the provision of food and health care for slaves (Teelock 1998).

The average height of 120

#### Reference 864 - 0.01% Coverage

was compulsory for men (Indian

labourers) to attend the estate hospital when ill, women and children often did not, either due to ignorance or cultural norms or poor hospital conditions (including food not being to their liking). Children were often not vaccinated. Women would not deliver in hospitals and gave birth in their

Truth and Justice Commission 819

#### Reference 865 - 0.01% Coverage

they believed that malnutrition was

common among the lower wage-earners of the colony. Those affected were mostly labourers of Indian origin, children and adolescents, pregnant and nursing women. A majority considered that malnutrition had increased during the war period (i.e. up to April 1943), and that there had been deterioration in the health of the working class in the past 25 years (i.e. 1918-43). A majority of doctors

also stated that breastfed infants

#### Reference 866 - 0.01% Coverage

2000, Proc. Nutr. Soc. 1946).

Indian labourers The majority of the manual labourers appeared to be definitely undernourished, and this was borne out by the improvement which took place in the weight and height of prisoners undergoing sentence. Some further support was given by the generally expressed view that the labourer of the present day was less robust than the worker of a generation ago. An important factor in this change was probably

the abandoning of the former system of issuing rice as part of wages. This never formed more than a basic ration but it did, at least, encouraged a full, if unbalanced, diet (HMSO 1943).

Indian labourers generally worked for six hours a day and five days a week, and it was not possible to make them work longer hours to increase efficiency due to their poor physique and low

Truth and Justice Commission 820

#### Reference 867 - 0.01% Coverage

Truth and Justice Commission 820

performance. The poor work performance of the Indian labourer in Mauritius was linked to the poor physique of the average worker, even compared to the Indian labourers in British Guiana. There was also a widely expressed view that the worker in Mauritius in the 1940s could not accomplish the output of the man of 50, or even 25 years ago. Various reasons were adduced for this: ill-health, undernourishment, drunkenness, inherent laziness, etc., according to the point of view of the speaker (HMSO 1943).

The Committee on Nutrition in

#### Reference 868 - 0.01% Coverage

low working efficiency of the

average Indian labourer even in the pre-WWII period. Since 1942, there was a further reduction of efficiency, particularly a reduced capacity for sustained effort. For example, in the pre-1942 period a cane-loader would average 7-8 tons/day, whereas in the 1944-45 crop, the average loaded had fallen to 2-3 tons. Though often other nutritional factors have operated, the fall in the level of nutrition has probably played an important part. There was a drop in the supply of calories (from 2,487 to 2,023 calories per man-value per day) and other dietary nutrients.

The role of the B

#### Reference 869 - 0.01% Coverage

on the nutrition of the

population, including anthropometric surveys and a study of nutritional deficiency symptoms among school children, food habits, experimental feeding of school children, relation of malnutrition and malaria, haemoglobin surveys and nutrition of field labourers, as well as chemical analysis of local foodstuffs (protein, calcium, phosphorus, oxalate, vitamin C and iron contents). Studies were also carried out on local preparation and the use of yeast (as a source of B-complex vitamins), and local preparation and the use of shark liver oil as a source of vitamin A (Wilson 1946).

Supplementary Feeding Programmes In the

#### Reference 870 - 0.01% Coverage

lowerincome group of the population.

It was thought that the solution for the dietary improvement of the labouring class ought to be largely bound up with education, whereby modern ideas could be inculcated in school children for improved nutrition. A recommendation was, therefore, made for the introduction of a simple mid-day meal for all

pupils in elementary schools, to include milk (if possible), even if this would entail the import of powdered milk or preserved foods. This would not only provide much-needed

Truth and Justice Commission 821

#### Reference 871 - 0.01% Coverage

corn soya milk) were also

provided to pre-school children and pregnant and lactating women (MOH 1979-80). However, although the free issue of a light meal to labourers at the beginning of their day's work was considered to be

#### Reference 872 - 0.01% Coverage

UNICEF 1988). This trend is

further confirmed by the 2004 NCD/Nutrition Survey on children 5-18 years, which shows that the height growth curves for both groups are almost the same and close to the WHO reference curve for both males and females. However, Creole children were taller than Indo-Mauritian children after puberty (see Figures 3 and 4). This shows that the linear growth of children of both ethnic groups has equally caught up with the WHO norms since the first generation of children of slaves or indentured labourers. It is known that linear growth of children is influenced by both genetic and environmental factors, particularly the state of health and nutrition of the children and their mothers.

#### 3.1.4 Malnutrition and

#### Reference 873 - 0.01% Coverage

of infectious diseases, notably ankylostomiasis

and malaria; these two, alone were responsible for an enormous loss of vital energy every year. Hookworm is, of course, not normally a disabling or fatal disease; nevertheless, it has a constant debilitating effect producing a varying degree of anaemia and predisposing the victims to other diseases. Malaria, again, is limited in its obvious effects to periodical disability for a few days only; nevertheless, its cumulative effect upon energy and enterprise must be very great. Concerning diet, the labourer was not adequately nourished; while he might have been seldom actually hungry, his meals did not provide him with the necessary sources of nourishment and energy. This coupled with the aforementioned prevalence of diseases, affords an adequate explanation of the poor physique and lack of energy of some of the workers. A remoter, but important, consideration was the cumulative effect on the rising generation; weakly parents could not bear healthy children, and the babies were furthermore handicapped by poor nourishment and prevalent diseases, which they were ill equipped to resist.

#### 3.2 Nutritional deficiency diseases

#### Reference 874 - 0.01% Coverage

the following observations relating to

various nutritional deficiencies or infectious diseases: cases of stomatitis, oedema, peripheral neuritis, skin dermatoses and ulcers, spongy and bleeding gums, enlarged or infected tonsils, anaemia, diarrhoea, and

bronchitis and pneumonia were commonly observed. Cases of pellagra or night blindness, Bitots' spots and keratomalacia were rare. This indicates that the labouring class commonly suffered from iron, thiamine and riboflavin deficiencies and less commonly from vitamin C, niacin and vitamin A deficiencies (Wilson 1946).

clinical

However, an examination of

#### Reference 875 - 0.01% Coverage

overindulgence raised concerns among the authorities. This affected mainly the working-class population (fishermen, artisans, agricultural and dock labourers, and the lower classes) although it also became noticeable among the younger generation and the Indian population. To address the situation, the authorities decided to strengthen control on sales of liquor, prohibit the giving of liquor as payment for salaries and wages, or as a gratuity, and promote awareness on the dangers of alcoholism (Balfour 1921).

#### 4.3 Consumption

There was

#### Reference 876 - 0.01% Coverage

followed by maize and manioc

Rice established as the main staple with arrival of Indian indentured labourers

Wheat flour became the second

#### Reference 877 - 0.01% Coverage

in the early part of

the British occupation, local food production was largely abandoned and rice was imported to feed the slaves. Rice and maize became the two principal food items, followed by manioc, in the slave's monotonous and tasteless diet, with occasional animal protein foods and small quantities of vegetables. The massive arrival of Indian immigrants from 1834 onwards reinforced the position of rice as the main local staple for the whole population, although after WWII, wheat flour rivalled with rice as the second staple. During WW2 the population also had to face a severe food stress. The Hindu section of the population mostly used pulses to supplement their diet in protein, although fish (salted or fresh) was also occasionally consumed. In addition, other sections of the population (Creoles, Muslims and Chinese) also occasionally consumed meat. Milk consumption was low. Vegetables and fruits (mostly seasonal) were commonly consumed. Labourers who freely drank cane juice experienced a marked increase in calories as carbohydrate-rich sugar provided

Truth and Justice Commission 829

#### Reference 878 - 0.01% Coverage

colonial period was predominantly vegetarian

and very small quantities of animal products were consumed. Milk consumption was particularly low. In general, the diet was high in carbohydrate, low to moderate in total protein, and very low in animal protein (considered to be of high-biological value) and fats. Consumption of vegetables and fruits was variable,

depending on availability and seasonality. Calcium and iron also appeared to be generally deficient. Deficiencies of vitamins A, D and C were sometimes reported but deficiency of the B-vitamins was much more common. In fine, while the diet more or less covered the minimal energy requirements of the working population (and probably inadequate during periods of intense activity as during harvest time), it could not be considered nutritionally adequate. It was generally a bulky diet that lacked variety and nutritious foods. A bulky diet had a low energy and nutrient density, and the workers felt replete before ingesting sufficient amount of energy and nutrients to meet their nutritional needs. Moreover, both slaves and indentured labourers often complained that they were given less food than the amount stated as food ration, and their distributions were not always regular.

So, throughout the whole period

#### Reference 879 - 0.01% Coverage

per capita per day Sources:

1.Wilson Frank A. (1946). Nutritional investigations in Mauritius (1942-45). Government Printer, Port Louis, Colony of Mauritius. (Based on typical diet of a field labourer in 1938-42. FAO Food Balance Sheet not available prior to 1961).

2.FAO Food Balance Sheets

#### Reference 880 - 0.01% Coverage

1900s until the 1960s generally

affecting the lower-income groups of the population, it was particularly common among the Indian section of the population and affected mostly women of child-bearing age and young children. The disease was generally associated with Malaria as well as hookworm infection. With the eradication of Malaria, improved sanitation, public health measures (including iron supplementation and free shoes or boots to school children and labourers) and improved nutrition, anaemia ceased to be a major public health problem by the end of the 20th century.

Truth and Justice Commission 830

#### Reference 881 - 0.01% Coverage

later on it also became

a problem among Indian labourers. With the consumption of salted meat and salted fish, the sodium intake of slaves and ex-slaves would tend to be on the high side.

The Committee on Nutrition in

#### Reference 882 - 0.01% Coverage

malnutrition and repeated infectious diseases.

As a result of chronic malnutrition and hard physical labour at a young age, slave children were subjected to severe growth



#### Reference 883 - 0.01% Coverage

diseases in Mauritius during the

colonial period, the underlying causes of malnutrition were, most importantly, the low standard of living, followed by lack of awareness coupled with certain prejudices. The low standard of living of the labourers was the result of inadequate food rations, low wages insufficient to supplement their rations and too little food provisions from family production or gathering in the wild. The economic policy prioritising the production of cash crop (sugar cane) for export further decreased available land for food production.

In the latter part of

#### Reference 884 - 0.01% Coverage

can be summarised as follows:

a. The slaves of African origin were on a mostly vegetarian high bulk diet, having high carbohydrate and low protein content, with occasional consumption of salted fish or meat. Alcohol consumption was high among slaves, especially on weekends. They needed high caloric intake in order to meet the energy requirements for their intensive labour. Their caloric intake barely met their needs, resulting in chronic under-nutrition of both adults and children, as evidenced by stunted height of both adults and children. The diet was monotonous and deficient in various vitamins and minerals. Overall mortality was very high and life expectancy very low (hardly reaching middle age).

b. The Indian indentured labourers were mostly vegetarian, with occasional consumption of animal protein and little milk. Their diet was high bulk, high carbohydrate and low to moderate in protein. Vegetable consumption was higher than among slaves. B-vitamins deficiencies and iron deficiency anaemia were prevalent. Their caloric intake barely met minimal needs resulting in chronic under-nutrition. Both overall and infant mortalities were high and life expectancy was low. Indian labourers in the 1940s had poor physique and low work performance related to their poor diet and recurrent diseases, and seemed to suffer premature ageing. The prevalence of malnutrition, coupled with Malaria and other infectious diseases (including hookworm infestation), gave rise to a sick and debilitated population. Faulty infant feeding, especially weaning was a cause of malnutrition and high infant mortality.

c. From 1950s to 1980s

#### Reference 885 - 0.01% Coverage

and nutrition status of the

descendants of slaves and of indentured labourers. Their nutritional status improved with increased protein intake, a more varied diet, free distribution of food supplements to the vulnerable groups and Government subsidies on staple foods. Prevalence of vitamin deficiencies decreased gradually, although anaemia among adolescent girls was still common and prevalence of child underweight (particularly among Indo-Mauritians) remained relatively high. The average diet remained relatively high in refined carbohydrate, although the fat content had increased considerably. Infant mortality was rapidly decreasing and life expectancy was increasing as a result of better health and nutrition.

d. After the 1980s the

#### Reference 886 - 0.01% Coverage

No. 292, pp. 337-358.

2.Allen Richard B. 1999. Slaves, Freedmen, and Indentured Labourers in Colonial Mauritius. Cambridge University Press. Cambridge. UK. ISBN 0 521 64125 X

3.Anderson Daniel E. (1918

#### Reference 887 - 0.01% Coverage

August 5. pp. 294-296.

14.HMSO. 1943. Labour Conditions in Ceylon, Mauritius and Malaya. Report by Major G. St. J. Orde Browne. HMSO, London 1943.

15.Kuczynski R.R. 1949

#### Reference 888 - 0.01% Coverage

Health Department. Colony of Mauritius.

20.Mishra Amrit Kumar (2009). 'Indian indentured labourers in Mauritius: Reassessing the "new system of slavery" v/s free labour debate'. Studies in History, 25, 2, n.s. (2009): 229–251. SAGE PUBLICATIONS Los Angeles/London/New Delhi/Singapore/Washington DC.

21.MOH. 1979-80. Annual

#### Reference 889 - 0.01% Coverage

centuries are given under the

following headings: • Slavery and indentured labour • Pre-Independence • Post-Independence

2 PERIOD OF SLAVERY AND INDENTURED LABOUR (1715–1916)

Statistics of the population of Island of Mauritius before the arrival of indentured labour is shown at table 4:

Table 4:

Year Europeans 1735

#### Reference 890 - 0.01% Coverage

practices and behaviour of individuals.

The abolition of slavery created the need to look for alternative sources of labour, to cope They with the ever increasing demands for workers in the expanding sugar plantations. From 1834 to 1912, around 450, 000 indentured labourers also called coolies were brought to Mauritius. were housed in dingy shelters

#### Reference 891 - 0.01% Coverage

disaster in Mauritian history.

Thereafter,

Malaria remained endemic in Mauritius until 1950's. The result was a serious source of wastage in terms of manpower and money, through deaths and reduction of population; loss of manual labour in plantations, factories, farms etc; sickness among labourers and officers, incapacitation and deaths among higher officials and soldiers.

In 1907, Sir Ronald Ross

#### Reference 892 - 0.01% Coverage

##### PRE-INDEPENDENCE PERIOD (1917–1968)

In 1917, the population of Mauritius was around 370 000. Slavery was already abolished in 1835 and the indentured labour ended in 1916. The country was under British colonial rule since 1810. Mauritius with its dependencies formed part of the British Empire. The livelihood of its inhabitants was dependent on export of sugar and the British imperial economic policy.

Mauritius was on the move

#### Reference 893 - 0.01% Coverage

the estimated rate of infection

among labouring classes, who were all barefooted, was around 85%. Hookworm infestation was responsible for blood loss, severe anaemia and slow growth among the victims.

In 1934, the number of

#### Reference 894 - 0.01% Coverage

to better educate their children).

5.Improvement of health by an integrated approach of control of Hookworm and Amoebiasis, provision of shoes to school children and boots to labourers and supply of school meals and milk to school children.

Truth and Justice Commission 854

#### Reference 895 - 0.01% Coverage

the health status of individuals.

And yet, the history of human civilization on health and living conditions as far as slavery and indentured labour are concerned is a dark spot carved on stone. Historians, writing about the health of slaves and indentured labour in the 18-19th century Mauritius, have portrayed a picture that has left an impression of 'quasi torture' and an extremely harsh life with death as liberation from persecution (Teelock 1998, Barker 1996, Nwulia 1981). The general consensus is that these labour constituted an asset for the planter owners and a necessity for the colonial powers for the exploitation of land in pre-industrial times. Slave labour was so essential to the economy that the French colonists defied all attempts of the authorities to enforce abolition of slavery. If the human labour force was a critical factor for the colonial administrations, inevitably the health of the slaves and the indentured labour should have been paramount to promote their interests. Was it so?

Two sets of conditions are discernable. Raiding, abysmally shocking transactions over their capture, physical and emotional suffering, beating and battering, injuries, and undernourishment were not alien to the

treatment meted out to the slaves before, during and after their immigration to the island (Barker). The indentured labour had a different set of conditions for their recruitment, voyage to Mauritius, care and treatment and their housing and contractual working agreements (Teelock 2009, Boodhoo 2010).

In 1920, C.E.A

#### Reference 896 - 0.01% Coverage

the maintenance of good health.

This paper will try to examine the factors that shaped the state of health or ill-health of the slave population, the indentured labour and their descendents till Mauritius gained Independence in 1968. The last section will cover the period of post-independence health developments in the Island.

Truth and Justice Commission 867

#### Reference 897 - 0.01% Coverage

Truth and Justice Commission 867

#### 2. SLAVERY AND INDENTURED LABOUR

The history of slavery and indentured labour in Mauritius takes its roots in the presence of visitors and settlers of colonial empires stretching over a period of two and a half centuries starting in the eighteenth century. Stuck in the trademark trappings of possession of the island, de-possession of its resources, trade rivalries, strategic presence for control of trade routes lapping the Indian Ocean and economic exploitation for the production of sugar were the dominant reasons explaining the Dutch (1698-1710), French (1710-1810) and British (1810-1968) occupation of the Island.

To achieve those ends, the occupier-residents initially brought slaves mainly from Mozambique, Madagascar, East Coast of Africa and some from India. Altogether, some 100,000 slaves were brought in during the period 1715-1810. With the abolition of slavery in 1833, the British, through the British East India Company, looked towards India as a source of cheap labour to lubricate the economic machinery they were establishing in the country to pursue the leftover work of the slave population.

#### 3. POPULATION AND HEALTH DURING

#### Reference 898 - 0.01% Coverage

#### CARE AND TREATMENT OF SLAVES

This section will focus mainly on the health conditions, care and treatment of the slaves from their port of origin to the time of their liberation from bondage that runs beyond abolition of slavery in 1834 during the transition period that indentured labour supplanted them.

Before dwelling on the subject

#### Reference 899 - 0.01% Coverage

the misery by Vijaya Teelock.

and ill-treatment meted out to extract the physical labour of the slaves<sup>4</sup>. What were the harsh conditions imposed upon the slaves are covered in great detail

Maladministration of justice, denial of

#### Reference 900 - 0.01% Coverage

births and deaths of slaves.

6. HEALTH CONDITIONS OF INDENTURED LABOUR Health conditions before arrival, during the voyage and their stay

The historiography of Indian migrants

#### Reference 901 - 0.01% Coverage

diseases in their new environment.

Before the arrival of indentured labour from India in large numbers, the British had made several attempts to recruit workers in the neighbouring countries mainly from Madagascar. Finally, it was

Truth and Justice Commission 872

#### Reference 902 - 0.01% Coverage

Truth and Justice Commission 872

the abolition of slavery in 1834 that gave an impetus for large scale immigration of cheap labour from India. Recruitment of labour had its own peculiarity. At that time, minimal measure of control was exercised on the recruitment process. And that opened the doors for abuses with respect to their recruitment procedures, treatment on the voyage and in Mauritius. Mortality on board ships bringing immigrants from India was high.

The table 23 shows an

#### Reference 903 - 0.01% Coverage

ample supply of good water.

Early contracts made in India did not specifically mention that lodgings be provided to the immigrants. However, as for the slaves, it was generally understood that accommodation should have, de-facto, been provided by the planter employers. It was through the proclamation of Ordinances that the employers were made to provide labourers with 'sufficient and wholesome lodging according to the usage of the colony'.

The outcome was evident. Visiting the log-huts in January 1864 Sir Gabriel Froppier remarked they were not good. But, (cynically) he added that under 'present difficult circumstances encountered by the planters, it was next to impossible to enforce considerable improvement' and 'if there is one to suffer, it must be the coolie'. He added that the 'labourers seem to be perfectly content with these rudely built huts' for they 'never made complaints'. If the dwellings were kept tolerably clean inside, such was not the case around the huts. Straying animals around the huts were bound to create an environment that would certainly not be conducive to a clean and healthy environment.

Despite all the criticisms levelled

#### Reference 904 - 0.01% Coverage

'The abolition of slavery has rendered the British Colonies the scene of an experiment whether the staple products of imperial countries can be raised as effectually and as advantageously by the labour of free men as that by slaves. To bring that momentous question to a fair trial, it is requisite that no unnecessary discouragement should be given to the introduction of free labourers into our colonies'.

(Stanley to Governor Gomm, 22

#### Reference 905 - 0.02% Coverage

rights were later abandoned.'

To what extent these rights were safeguarded right from the time of recruitment is minuted in the Royal Commission Report of 1875, paragraph 4066. 'Notwithstanding, very frequently persons are recruited as agricultural labourers who ought never to be accepted as such'.

In fact, non observance of the terms of the Labourer's Contract on housing, medical care and treatment facilities, food and payment of wages were the sources of resentment expressed by the immigrants. The Royal Commission Report of 1875 is very candid on the recruitment process. At paragraph 4044, the whole system of recruitment in India was denounced on the following counts: (1) The recruiters in India, (2) The Protector in Mauritius, (3) The employers of labour (4) The Police, (5) The Magistrates and (6) The Legislative Council as the framers of the Labour Laws. On the last point, the Report found that in matters of the application of a New Labour Law of 1867 to address the issues of vagrancy, idleness, improvidence, inhumanity towards each other during epidemics, filthy habits and, participation in the crime of dacoitee, the 'Law was enforced both by the police and the Magistrates in such a reckless and indiscreet manner as to cause cruel hardship to a number of the Majesty's subjects' and that 'the spirit of the law was too often overlooked and even the letter of the law was often far out-stepped by the manner in which it was carried out'. Investigating on the form of treatment expended to the immigrants, William E Frere and Victor A. Williamson had acknowledged that the 'traditions of slavery' still prevailed on the island's Indian residents modelled on old fugitive slave laws.

How these affected the health and productivity of the indenture is understandable. Deduction of wages to pay agents and recruiters in India, travel needs, monthly contribution for return journey back to India, absenteeism for sickness or other reasons were practices that affected their morale and health. The system of keeping wages in arrears and the 'double cut' were found to be unacceptable by the Royal Commission Enquiry (1875). They formulated the opinion that Articles of the Ordinances were 'universally overlooked both by planters and Magistrates and other Government Officers'. Large sums were annually, illegally deducted from the wages of labourers. As for food, the Commission found that it was a universal practice to give ¼ lb of rice over the 1½ lb stipulated in their contract. Further, salt fish was substituted by a double allowance of dholl.

The only holiday allowed was on New Years' Day. On other holidays, most often the practice was to deduct their wages if they took leave and frequently including their rations too. By Ordinance No 17 of 1841, the only work that the labourers were 'obliged' to do on Sundays was work of immediate necessity (corvée) up to 8 am. The provision of this Ordinance was hardly respected. Record of paybooks were kept in such manners that, on inspection were found to be worthless for the great irregularities amounting to deliberate and intentional fraud and inadmissible as evidence of proof in any enquiry.

Interpretation for offences of illegal

#### Reference 906 - 0.01% Coverage

great injustice and hardship caused.

According to their contracts, lodgings were to be provided to the immigrants on the estates they were recruited. The camps were often stuffy and damp with no openings to allow circulation of fresh air. Around the 1930's the labourers occupied the accommodation previously used by the slaves. With the arrival of the big wave of workers in the late nineteenth century, the housing situation became very alarming causing great harm to their health. The Royal Commission found great diversity in the arrangements of the camps. Some, constructed at great cost were of good

Truth and Justice Commission 874

#### Reference 907 - 0.01% Coverage

Truth and Justice Commission 874

repair while in others the dwellings were scarcely fit for human habitation. Paragraph 4080 of the Report is eloquent: 'the camps generally were in a filthy condition externally, owing to the quantity of animals allowed to run loose about them, a state of things due mainly to the aversion of employers from interfering to enforce cleanliness and order, for fear of offending their labourers, and also from the state of the law, which does not make the proprietor personally liable for the condition of his camp'.

The Ordinance of 1845 established that each estate employing forty labourers or more was required to operate a hospital to provide treatment to the workers. The Royal Commission of 1875 made an explicit incursion into the state of hospitals and their management.

All the above provisions, applied

#### Reference 908 - 0.01% Coverage

high sick and death rates.

In 1908, Dr. Ronald Ross submitted his comprehensive report on measures for the prevention and control of Malaria. In the summary of facts regarding the amount of Malaria, the report mentioned the abnormally high death rates in the population and the costs to government, loss of labour, labourers' loss of wages and losses to the general community.

Of particular interest is the

#### Reference 909 - 0.01% Coverage

not easily and adequately available.

3.Often denied of adequate food and a balanced diet, proper sanitation and shelter and harsh labour conditions caused undue harm to their physical and mental health. 4.Some timid measures to improve administration in the 20th century

#### Reference 910 - 0.01% Coverage

de 1900 à nos jours.

10. Kuczinsky R. R., Vol. II, Demographic Survey of the British Colonial Empire, 1949. 11.'Labour conditions in Ceylon, Mauritius and Malaya', Report by Major G. St. J. Orde Browne CMG. OBE HMSO 1943 (CMD 6423) 44.

Reference 911 - 0.01% Coverage

Justice Commission 889

PART IV:

TRADITIONAL MEDICINE AMONG SLAVES AND INDENTURED LABOURERS

"..[.]t is almost an

Reference 912 - 0.01% Coverage

alien to both slaves and

indentured labourers. In both African and Malagasy as well as in Indian cultures, the sick were taken care of by the family and the healers of the clan or community. The sick was surrounded by kith and kin or rejected altogether depending on the perceived cause of the disease. Hospitalisation and confinement were unknown to migrants, forced or free, and as far as possible they evaded public health services. Official reports on epidemics and diseases are replete with instances of sick people hiding their diseases, evading vaccination<sup>4</sup>, running away from hospitals, taking French leave or clamour to be discharged. Hospitalisation was looked upon as a punishment. Women, especially the Indians, avoided hospitals as they abhorred being examined by male doctors. Incidents on board the ship were numerous. Childbirth was a woman's affair.

In addition to this cultural

Reference 913 - 0.01% Coverage

died relatively young. Their life

expectancy was short compared to that of the white population. As regards the indentured labourers, Balfour (p. 24) observed that the diet (consisting of salt fish and dholl, rice, ghee or oil and salt only) provided by sugar estates hospitals to patients suffering from dysentery and diarrhoea was unsuitable and "inhumane". No supplement of nourishing food such as milk was given to patients for reasons of economy. Beri-beri, the food deficiency disease "attains epidemic prevalence"; it was believed to be due to the habit of eating highly polished rice. In the same way, Indian and Creole "habit of closing up all windows of sick rooms especially at night" was viewed almost as a cultural deficiency, and was responsible for the spread of diseases. It was hardly ever admitted that many Indians died from pneumonia because they were given inadequate clothing and could not afford to buy any with a meagre wage.

Balfour also observes that alcoholism

Reference 914 - 0.01% Coverage

and water were popularly used.

Slaves and indentured labourers had their own repertoires of medicines and healthcare practices which they had recourse

Reference 915 - 0.01% Coverage



gris gris or cri -cri.

The indentured labourers had come from different cultural regions of India and had brought along native methods of healing, embedded in their belief systems and worldviews, for instance sun worship, tree worship, river worship and worship of the earth, which are still practised in some forms or other. Indentured labourers have also contributed to medicine through their knowledge of plants and metals derived from popular knowledge of the Ayurveda, the Siddha and the Unani medical systems among others.

Slaves as well as indentured labourers, arriving in the new land completely different from their homelands, adapted to new forms of healing and they constituted new pharmacopoeias. Plants had been introduced by naturalists and travellers and were acclimatized. Poivre, Daruty, Aublet, Rouillard, Guého and recently A. Gurib-Fakim have inventoried some of these plants. Names of plants that had been used by slaves and indentured labourers, and those that are still used to day by their descendants have been listed in the text. According to Guy Rouillard and

#### Reference 916 - 0.01% Coverage

medical domain, it is an

emollient, has cooling properties and is indicated in cases of inflammation. 4.2 Information based on field work/interviews Some plants were used by slaves, indentured labourers and the General population for healing. These have become part

#### Reference 917 - 0.01% Coverage

of former slaves and indentured

labourers were often afflicted by ulcer. Dr. Rouget's treatment was "found most efficacious." He used "Hanson's cauterisation of the ulcer with pure carbolic acid... and afterwards the dressing of the wound was done with powdered camphor..." The wound rapidly healed despite a few relapses. A poultice of powdered camphor and pounded sorrel leaves (*Oxalis corymbosa*) was frequently used by the common people for ulcers (Anderson, 1854).

Leprosy and Chaulmoogra oil Beaupertuis

#### Reference 918 - 0.01% Coverage

international fame. He has created

his own website and foreigners often contact him for advice and purchase of herbs. His trade has suffered considerable setbacks with ruthless deforestation of lands destroying plants of great medicinal importance. His grandfather used to offer some 600 types of plants and three generations later there are only about a hundred available. Among the plants which he offers, a large number of them were used by indentured labourers and continue to be used by their descendants, and other Mauritians as popular folk medicine. Some of these plants have transcended their medicinal meanings and acquired spiritual and religious significance because of their potential medicinal properties. The courtyard of every Hindu temple prides itself of the lila de Perse or neem, the betel, the basilica or tulsi. Many families have these plants around their residence.

Lila de Perse or neem

#### Reference 919 - 0.01% Coverage

smallpox, mumps and measles, and other epidemic diseases. According to Jay, it is anti-bacterial and it kills microbes; it protects from infection, purifies the blood and can cure many diseases. Systematic bath with solution of neem and Indian green safran over a period of seven days cures the diseases. It is an antiseptic and is used to cure maladie Sept Soeurs, the disease of the Seven Sisters. It is an age-old tradition and was a widespread practice among indentured labourers especially during epidemics.

neem leaves

When the inmate

#### Reference 920 - 0.01% Coverage

used it for skin problems.

Betel chewing is a ancient tradition and was very common among indentured labourers until the 1950s. Betel leaves were

#### Reference 921 - 0.01% Coverage

elaborate ceremonies seeking the grace

of the highest divinities or God which manifests Himself in various forms. The ceremonies are usually presided over by a priest known as maraz or poossari either at the residence of the sick person or in a temple, river, lake or the sea. Indentured labourers could afford to have very simple ones, so they relied on the Tamil temple and the shrine of kalimaya for prayers. They also organized communal Kathas in baithkas, and participated in the ceremonies organized by the Tamil temples. All indentured labourers irrespective of places of origin in India had recourse to the Cavadee, fire-walking and sword-climbing prayers for health purposes. All participants in the ceremonies interviewed said that they were carrying the Cavadee or walking on fire for health purposes. Women participants often carried a sick child or an infant. While some participants were doing the penance for healing a current disease, others were fulfilling vows for having recovered.

Selvam Chenghen whom we interviewed

#### Reference 922 - 0.01% Coverage

pilgrimage and neuvaines that is

fasting for nine consecutive days or weeks, are generally observed. Many informants say that they have recovered after having prayed to Mama Tookay, well-known Tamil temple at Camp Diable. Indentured labourers also prayed to Père Laval, Saint Antoine de Padoue and La Vierge. In the course of time, many Indian immigrants and their descendants turned to Christian divinities for

Truth and Justice Commission 905

#### Reference 923 - 0.01% Coverage

## V: MENTAL HEALTH 1.INTRODUCTION

The Commission has to make recommendations to improve the health and quality of life of descendants of slaves and indentured labourers. To achieve this end, it was important to probe deep into the treatment meted out to their ancestors, as regards the provision of food, excess alcohol consumption, housing conditions, health care and working conditions, etc.

Ill-treatment meted out to the slave population and of indentured labourers and its bearings upon both types of immigrants and their descendants up to this day. The inhuman treatment meted out to the slaves from their capture and shipment in frail sailing vessels was characterized by a high mortality rate, up to 30% from West Africa, and an average of 12% for those captured from the Eastern side of the continent and from Madagascar. descriptions by historians (e.g Filliot).

This has been the subject

### Reference 924 - 0.01% Coverage

the survival of the fittest.

The main interest, at that time, was to have slaves and indentured labourers who were in good physical health, and no one was too concerned about their mental health, unless the person in question was absolutely mad. When did we start to recognize the psychological effects of slavery and the consequences of the ill-treatment suffered by the indentured labourers? Did the patients and their families seek help for their psychological ailments?

If we are looking at what can be done to improve the mental health programme in Mauritius, we need to ask some important questions, such as: •Which mental disorders affected the slaves and indentured labourers? •Whether there was racial inequity in the delivery of mental health services? •What aspects of racism and discrimination caused emotional and psychological harm to victims, including Post-Traumatic Stress Disorder?

•Whether there are risks and resilient factors among the descendants of slaves and indentured labourers?

We have searched through reports

### Reference 925 - 0.01% Coverage

persons or regions of Mauritius.

We suggest that a study be done, at a later stage, of specified groups of descendants of slaves and indentured labourers, to identify disorders and risk factors for mental illnesses. important and relevant to gather more data about their resilience to mental illnesses.

But it is more

3

### Reference 926 - 0.01% Coverage

more recently.

## 7. SUBSTANCE ABUSE

Drug use has been closely associated with our immigration history. Illicit rum production by slaves under the French colonization (1715-1810). After the abolition of slavery in 1834, the then British Administration brought Indian indentured labourers who came with their culture and traditions. They introduced cannabis,

known as gandia, while the Chinese immigrants, who came during the same period, introduced opium to the colony. However, these drugs, gandia and opium and illicit rum, were traditionally used in a controlled socio-cultural context in certain localized areas. They were mostly consumed by adults without much serious public concern.

In the mid-sixties, the

#### Reference 927 - 0.01% Coverage

we have gained to heal”.

We would like to stress the fact that we are not in a position to pretend that we know the psychological problems which affected the descendants of slaves and indentured labourers, as we have no documented reports of these.

From the book Slavery and

#### Reference 928 - 0.01% Coverage

a normal consequence or fate.

The ill-treatment of slaves and indentured labourers, obviously affected them at the time, but they had to be resilient and continued to fight for their survival.

We can recommend that a study be carried out on a group of individuals who are descendants of slaves and indentured labourers, where we can then identify risk factors for mental illnesses and resilient factors, which have helped them to survive the difficulties which their ancestors had sustained.

May be we could look

#### Reference 929 - 0.01% Coverage

can have a genetic effect.

This study will demand more resources, both human and financial, and will only be possible, if a sample of that population made up of descendants of slaves and indentured labourers were to be identified.

Acknowledgements Our thanks to: Mr

#### Reference 930 - 0.01% Coverage

transition. The country was in

a relatively safe economic zone with a rising income per capita. There followed a shift in the pattern of work. Sedentary factory work replaced hard physical labour in the sugar-cane field. Household appliances substituted manual labour at home. Sale of cars and two-wheeled vehicles increased annually.

Eating-out particularly high glycaemic

#### Reference 931 - 0.01% Coverage

Mauritius witnessed a tremendous transformation

in its social, economic and political landscape as well as its demographic and racial composition, the epidemiology of diseases and lifestyle pattern of its population. Mauritius had no native population. When it was colonized by the French in 1735, there were less than 1,000 inhabitants; they used the island mainly as a free port and warehouse. When the British took over the island in 1810 there were about 80,000 inhabitants and at the time of abolition of slavery in 1835 the population was estimated at 91,000 inhabitants. Throughout those periods, more than 75% of the inhabitants were African slaves and the rest mostly European colonists. In order to service the fast expanding sugar island economy, cheap indentured labour was imported from India.

The total  
population rapidly increased

#### Reference 932 - 0.01% Coverage

Commissioners acted as Team Leaders.

The most important set of studies for the Commission has been those which directly examined the situation of 'descendants' of slaves and indentured labourers and which sought their views. However, it was important also to study descendants of slave owners as well, since slavery is both about slaves and slave owners. Among descendants of slave and indentured labourers, métissage has led to difficulties in identifying who were descendants, and it is clear in Mauritius, that phenotype is the popular delimiting factor in deciding who may be a descendant of a slave or indentured labourer. Yet these stereotypes are not only misleading but dangerous and need to be vigorously corrected. Not all 'blan' (white) are descendants of slave owners, as not all those with an African phenotype are descendants of slaves, and not all Indians were indentured labourers. For the population of mixed origins, we have used the term 'gens de couleur' to refer to descendants of the following relationships: a) whites and Afro-Malagasy and b) whites and any other group. These represent also persons of a higher social class.

It is, above all, the

#### Reference 933 - 0.01% Coverage

are equally guilty.

Slave Trade

The slave trade to Mauritius was started to supply the island with cheap labour and as any commercial venture, as a profit-making activity. Without the establishment of a slave society and economy, there would have been no Ile de France in the 18th century and no sugar industry in 19th century British Mauritius. While the economic contribution of the free persons to the setting up of the colony is amply recognized in daily life (street names, books, plaques, genealogies, buildings and archives) the memory of slaves who built Port Louis' infrastructure, who cleared the land for the first sugarcane, wheat, manioc and indigo plantations, who built and manned the French fortifications and naval squadrons, or provided the domestic labour in all households is barely known or seen in everyday life. Most Mauritians are unaware that the cobbled streets they walk on in Port Louis, the classified fortifications they visit, the 18th-century stone buildings they enter were built with the labour of slaves. The slave trade permitted many in Mauritius and France, to make small or big fortunes that later were invested in estates, land and businesses. Thus the fortunes of many today were built on the prosperity of those who traded and used slave labour in the 18th and 19th centuries.

It is therefore crucial that

#### Reference 934 - 0.01% Coverage

It is rarely seen as

a product of colonial society and economy, and slaves are not seen as an intrinsic part of Mauritian society in the 18th and 19th centuries. How important was slavery to the economy of Mauritius? What was the value of slave labour? What was the extent of their participation in the economy? What ideology did slavery create in Mauritius? Why was there so much opposition to the abolition of the slave trade? Who benefited from the slave trade? What was the extent of Government participation in the slave trade? Why was there such a big increase in the slave trade in the 1770s?

Organisation of Report

The Slave

#### Reference 935 - 0.01% Coverage

food during the voyage.<sup>31</sup>

Thus preferences for certain types of slaves for labour began to be expressed as early as then. It was not only the price, but their propensity for hard work, to maroon, that were taken into consideration. Linking ethnicity to occupation started at a very early stage and can be said to have continued throughout Mauritian history.

1735-1746

The period between

#### Reference 936 - 0.01% Coverage

throughout Mauritian history.

1735-1746

The period between 1735 and 1746 is crucial for the establishment of the slave trade, since Governor Labourdonnais chose Mauritius, rather than Reunion, as his base of operations to expand French influence in the Indian Ocean. Vast infrastructural works were envisaged to transform Port Louis into a capital, port, warehousing and commercial centre. Slave labour was seen as the most reliable source of labour, although a certain amount of free labour was also brought in, in the form of French engagés, and skilled Malagasy and Indian workers and artisans.<sup>32</sup>

history focus on the 'Founding

#### Reference 937 - 0.01% Coverage

colony remains as yet unrecognised.

When Labourdonnais arrived in Mauritius in 1735, there were 638 slaves among the 838 persons living in Mauritius. He personally took charge of acquiring slaves for the island and undertook the massive construction projects in Mauritius: roads, houses, the port, a naval base, the Botanic Gardens etc. Labour from France, Madagascar, Mozambique, West Africa and India was tapped.

According to Filliot, 1,200

#### Reference 938 - 0.01% Coverage

the MCB and the MSIRI.

When Liberated Africans were brought, they too passed through the same Customs House as slaves. A certain continuity thus existed in the sites used for embarkation. After formalities were completed, they were taken to the Immigration Depot where they would be registered as indentured immigrants just like the indentured labourers who were later brought from India.

These sites need to be

#### Reference 939 - 0.01% Coverage

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#### Reference 941 - 0.01% Coverage

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#### Reference 942 - 0.02% Coverage

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#### Reference 943 - 0.01% Coverage

existence of tribals in Mauritius.

Due to lack of time, the focus has been Indian tribes from the North of India who were the first to come into Mauritius on contract labour. They were referred to as Dhangar or the 'Hill-Coolie' and were preferred by the recruiters in the 1830s. However, the proportion arriving in Mauritius began to dwindle and by the end of the nineteenth century, the recruitment of the tribes had stopped. This is because, they were the ones who suffered the most during sea voyages and the mortality rate the highest among them.

Figure 2: Arrival of Tribal

#### Reference 944 - 0.01% Coverage



to write the names correctly.

However, it has been found that they were in minority compared to other Indian labourers but still agents preferred them because they were hard worker and willing to labour in the island. From 1845, there was more demand for labour because of a boom in the production of sugar cane. Agents could not rely on the minority and concentrate upon other sources of labour. Hence the early enthusiasm of the "Dhangars" as field hands dried up.

Origins of Tribal people

The

#### Reference 945 - 0.01% Coverage

28%

0\_10 11\_20

The profile required matched those during the Slave Trade: the desire of planters was for those able to perform hard manual labour. Thus, mainly young males were recruited. Of the 543 tribals, 6% of the tribes were under the age group 0-10 years. 28% were aged between 11-20 years and 51% between 21-30 years. Only 14% were between 31 and 40 years and only 1% were above 40 (fig.3).

Iconography of tribals from Chota

#### Reference 946 - 0.01% Coverage

on her right leg.<sup>3</sup>

Bissonauth No. 41416, photographed on 27th May 1884 was 1 m 57 tall. He was a Dhangar and migrated from Ranchi. He arrived on board the Nankin at the age of 14 on the 16th of May 1844. He had a long scar on his chin and also a mole above his right elbow. He was employed as a labourer.

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#### Reference 947 - 0.01% Coverage

here.

Death Certificate of Sonatun

Sonatun, No. 39479, was a Dhangar, who migrated from Hazaribagh in February 1844 aboard Isabella Watson'. He arrived at the age of 22. He was described as having good teeth, both ears bored, two large round marks on the left arm. He was sent to Mr A. Joly and was employed as labourer. He died on the 20th of May 1863. The cause of death was fever which was prevalent in the 1860s<sup>6</sup>

It seems that on his

#### Reference 948 - 0.01% Coverage

on board the 'Adelaide'.

He

arrived at the age of 18. He was described as having marks on both arm and on belly. He was sent to work to Mr. Adam and Company and was employed as labourer. Grand Port on the 12th May 1879.<sup>7</sup>

He died at Truth and

#### Reference 949 - 0.01% Coverage

Plaine He was sent to  
worked as labourer. H me ship wit  
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#### Reference 950 - 0.01% Coverage

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otten.  
, was a Dhangar who

#### Reference 951 - 0.01% Coverage

IN MAURITIUS, C.1825-1839

In Mauritius, Indenture is associated with the year 1834, with the abolition of slavery and with Indian labourers.

It is little known that Indian labourers were brought in as early as 1825 by Adrien d'Epinay, 10 years before slavery had been abolished. On his estate at Haute-Rive in Rivière-duRempart District, it appears they worked side by side with slaves in the sugarcane fields. D'Epinay wanted to show his slaves that free men did not consider it a dishonour to perform manual labour in the cane fields. This could be considered as the first experiment with indentured Indian labour. But few sources are available to study this 'experiment' further.

The next recruitment came in 1828, when a handful of Indian labourers were brought in. One of them, Peekhan of Calcutta, was employed by Mr. Sampson, and the second one, Ojjar, a Bengali also from Calcutta, was employed by Mr. Latour St-Ygeste.

The following year, the Commercial Agents of Gaillardon & Co., a Mauritian trading company, went to India with the objective of importing cheap Indian labour. They had the firm support of the British Colonial Government of Mauritius. On

#### Reference 952 - 0.01% Coverage

Albion dropped anchor in Port

Louis harbour with 500 male labourers, 9 females, and one child on board. Over the next four weeks, around 600 additional labourers were brought into the colony in small batches. By midOctober 1829, there were over 1,100 Indian labourers in Mauritius.

These early experiments do not appear to have been successful, as the Indian community in Mauritius convinced these new immigrants that the wages which they were receiving were too low and encouraged them to strike for better pay. The employers themselves did not honour the agreements that they had made, and most of the Indians wanted to terminate their contracts. Within a period of less than a month, a large

number of Indians began to desert the sugar plantations and showed increasing signs of insubordination toward their employers. By late October 1829, John Finiss, the Chief of Police, ordered the repatriation of the rebellious Indian labourers. Between the end of October 1829 and May 1830, they were returned to Calcutta and Madras in several small batches.

1830-1834: There was only a trickle of immigrants arriving between 1830 and 1834. In 1830, about 10 labourers were introduced and between 1831 and 1832, another 29 from India by Mr. Bickajee, a wealthy and influential Indo-Mauritian. In January 1832, Mr. Passmore, a wealthy and prominent Mauritian merchant, relaunched the idea of large-scale importation of Indian labour. island, between 1826 and 1830, around 3,012 Indian workers from the French colonies Pondichéry and Karikal had been introduced.

In Réunion of

1833: Another

#### Reference 953 - 0.01% Coverage

been introduced.

In Réunion of

1833: Another 29 labourers were introduced. Although the overwhelming majority of these very first indentured Indian labourers came from Calcutta, some were also from Madras. For example, one labourer, called Mootoosamy, was employed by Mr. d'Arifat and another one called Ramsamy was employed by Mr Langlois.

1834: 4th August 1834, the newspaper La Balance announced the arrival on 1st August of the Sarah in Port Louis, with 29 Indian cultivators. The arrival of these labourers served as a prelude to the start of large-scale Indian immigration with the coming of the Atlas on 2nd November.

On 10th September 1834, 36 'Hill Coolies' of the Dhangar caste (originally from the hills of Bihar in Eastern India who were then living in Calcutta) signed a five-year labour contract with George Charles Arbuthnot of Hunter-Arbuthnot & Company, a major British trading company in Mauritius, in the presence of C. McFarlan, at the Calcutta Police Head Office. Once the labourers agreed to the terms and conditions, they placed their thumb mark on the contract, and on a separate list, which contained the names of the 36 labourers, they placed an 'X' next to their names. Their sirdar (overseer) was Soorooop who was assisted by Subaram. In all, there were 30 males and 6 females among Arbuthnot's labourers. Some of their names are Callachaund, Dookhun, Bhomarah,

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#### Reference 954 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

Bhoodhoo, Lungon, and Bhudhram. Their labour contract was written in Bengali. The salary for the males was 5 Rupees per month, while for female labourers, four Rupees per month. The sirdar's salary was 10 Rupees per month and the assistant sirdar around 8 Rupees per month. They all received six months' pay in advance before boarding the Atlas. One rupee was deducted by Hunter Arbuthnot & Company to pay for the return passage to India. They had paid for the immigrants' journey from Calcutta to Port Louis. They were also to be provided with food, clothing, lodging and medical care. The ship also carried a large cargo of rice. On the 3rd November, Monday morning, Arbuthnot wrote to Governor Nicolay, requesting that: 'they be allowed to land 36 Hill Coolies from the ship Atlas, whom they intend to employ on their Estate, under guarantee that they shall not become a charge on the Colony'. Permission was granted. These first Indian labourers were, according to Brenda Howell, 'the pioneers of a migration which was eventually to

transform the character of Mauritian life and industry.' Between November 1834 and April 1839, during the first wave of Indian immigration, around 25,468 Indians were introduced, amongst whom were around 23,281 males, 727 females and 175 children. Almost 15,000 came from Calcutta and Bombay and over 9,000 from Madras and modern-day Andhra Pradesh. More than half of these first Indian immigrants belonged to rural tribes known as the Oraons, the Mundas, Bhumijes, and the Santals.

In May 1839, immigration from

Reference 955 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

##### RECONSIDERING 'CRIME' IN PORT LOUIS: AFRICAN APPRENTICES AND INDIAN LABOURERS

The period from 1835 and

Reference 956 - 0.01% Coverage

Mauritian history and deserve a

reconsideration as ex-slaves and the first indentured labourers have been viewed rather negatively in official colonial reports. Historians have also tended to focus on events in the rural areas and less on what was going on in Port Louis. Yet Port Louis was a place which welcomed people from all sorts of backgrounds as well those escaping from something and wishing to blend into the incredible mix that constituted the town of Port Louis. Among these, were those who escaped from their employers and estates and hoped for a better life in town. When caught, both apprentices and indentured labourers found themselves imprisoned in the same place, the Bagne and were treated as 'criminals'.

Today, we urge a reconsideration

Reference 957 - 0.01% Coverage

robbery, gambling, and black-racketeering.

In the 1830s' the Bagne Prison and, to a lesser extent, the Prisons of the Court of Justice became suddenly overcrowded.<sup>11</sup> In 1836, there were 23 cases of theft, 1 case of arson, and 1 murder in Port Louis and 56 apprentices were imprisoned for these crimes. The following year, for the first time, Indian labourers were convicted for various crimes such as theft, arson, and murder. By 1838, there were 68 cases of theft, 3 case of arson, and 13 murders in Port Louis and 92 apprentices and 10 Indian labourers were convicted and imprisoned. During the following year, there were 82 cases of theft, 4 cases of arson, and 13 homicides in Port Louis and 91 apprentices and 38 Indians were imprisoned.<sup>12</sup> The rise in crimes by Indians was reported on in June and July 1838 by Le Cernéen, so much so, it became a major source of concern for the Colonial Authorities,<sup>13</sup> as this coincided with the ending of the apprenticeship system and the introduction of more indentured labourers. Overcrowding in prisons resulted.<sup>14</sup>

#### THE INDIANS

In the last

Reference 958 - 0.01% Coverage

prisons resulted.<sup>14</sup>

## THE INDIANS

In the last week of February 1836, Captain Weir, the Special Magistrate for Port Louis, reported to George F. Dick, the Colonial Secretary, that ever since the beginning of the previous month, there had been a gradual influx of Indian labourers into the colony's capital from the sugar-producing rural Districts. The majority of these Indian workers had been introduced into the colony only a few months before and they were arrested as vagrants near Government House and the Casernes Centrales. Furthermore, in the month of February alone, 84 Indians were caught and incarcerated at the Bagne which was already crowded.<sup>15</sup> Immediately, the following day, Governor Nicolay, clearly recognizing the urgency of the situation, ordered some of the Indian vagrants to be moved from the Bagne Prison to a makeshift prison in the Magazine or the same large building which served as a warehouse for the storage of goods which were taken off ships anchored in Port Louis harbour. During the last week of that same month, W.W. West, an English sugar planter and owner of the Vale Estate in the District of Pamplemousses, wrote a lengthy letter to the Colonial Secretary in which he made a number of interesting observations. He explained that he employed more than 50 Indian labourers and that over the past several months, it became a common practice for them to escape from his sugar estate in order to go to Port Louis.<sup>16</sup>

To deter Indians from leaving

### Reference 959 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

and Indian labourers were incarcerated for a period of either a few days or a few weeks. In addition, during this brief period, the floating population of this large colonial prison increased sharply from 5,221 to 9,090 or by 40%.

The effect of having prisoners

### Reference 960 - 0.01% Coverage

regular place of incarceration.<sup>18</sup>

Why did Indian labourers leave plantations when they were fed, clothed, housed and paid for their work? If official reports are to be believed, there were very few complaints from the labourers. One reason was the double-cut system reported as early as 1838 by James Backhouse and Thomas Hugon.<sup>19</sup> When they came to Port Louis to complain, as the slaves before them, 'they were lodged in the Bagne, till their masters were summoned.'<sup>20</sup> Backhouse was also afraid that unless there were controls, 'there was a danger that it might ultimately grow into another species of slavery'.<sup>21</sup> Hugon provided another explanation in 1839:

"By the too rigid discipline of most plantations, the Indian labourer is subjected, without the smallest advantage to the master [...] the obligation of the Indian labourer in being provided with a 'billet de passe' to venture beyond the boundary of the estate during out of working hours, is a 'tracasserie', to which the Indian has never been used in his own country, it is an abrogation of personal liberty, to which he would never consent and which he has not subscribed to by merely engaging to services of the ex-apprentices who were exempted from it. The subjection of the Indian to it can never be defended on several estates, the system has been given up...I am told however the abandonment of the system has extended since the Emancipation of the apprentices to so many estates that it could hardly be said to exist at present [...]"<sup>22</sup>

He, too was afraid that

### Reference 961 - 0.01% Coverage

great eyesore to freemen.’<sup>23</sup>

Furthermore, being tied to one employer was not ‘free labour’ and the labourers were keenly aware of this: “They [the Indian labourers] object as freemen to the false position in which they have been placed, by being bound down to one master. It is no severe reproach to the man who has possessed slaves to say that, he has ‘despotic habits’ which he had to change entirely when he comes into contact with freemen, here the first check to those habits has been the recent Emancipation of the apprentices. The productive existence, of this colony, depending entirely on the resort of Indian, or other foreign labourers, this measure must be considered in that respect, to have been very opportune and in the future and general interests of the island [...]”<sup>24</sup>

Thus, the plantation owner could

#### Reference 962 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

##### IMPACT OF VAGRANCY LAWS ON LABOUR MOBILITY

This problem continued to prevail even till 1890s and its gravity could be gauged by the fact that out of 209,001 complaints filed against Indian labourers between 1860 and 1885, about 72% accounted for illegal absence and desertion. Planters’ response was obvious, – rather than recognising these frequent occurrences of absence and desertion as labourers’ vent of protest against the inconsiderate working conditions and repressive disciplinary structure of plantations and their naïve attempts to move out of contractual bindings of indenture; illegal absence and desertion were termed as habit of Indian labourers who were blamed as habitual idlers not

wanting to work. And therefore, instead of addressing the grievances of immigrant labourers thorough reforms and relaxing the harsh legal provisions of indenture, planters resorted to repression – several punitive laws were initiated to

discipline errant labourers for illegal absence

and desertion, the notable ones being the Ordinance 21 of 1843, Ordinance 22 of 1847, and Ordinance 7 of 1849 which entrusted to the police and planters enormous powers to punish labourers in case they tried to break away the shackles of indenture.

Absence and desertion were declared

#### Reference 963 - 0.01% Coverage

indenture.

Absence and desertion were

declared criminal offences and the concept of vagrancy as a criminal category was introduced to deal with the immigrant labourers who had deserted the plantations. All the labourers found outside the plantation were convicted for vagrancy.

Authorities blurred the critical difference between desertion and vagrancy, and defaulters for both offences were put on trial for the offence of vagrancy. This fundamental oversight continued till the 1890s, even when the initial vehemence to ‘hunt’ vagrants decelerated to a great extent because of the shift in the priorities of planters and Colonial Authorities. In 1893, J.W.P. Muir Mackenzie<sup>43</sup> reported this gaffe and recommended that a deserter should be dealt with under the provisions of Labour Ordinance dealing with the offence of desertion, and not under a general vagrancy law. He was also very critical of treating free

labourers as criminals – ‘an Indian labourer is not to be exposed to bullying by the rank and file of the Police, and treated as a suspected criminal merely because he may prefer free labour.’<sup>44</sup>

Initially, planters tried to meet the loss of labour with introduction of new labour as well, in addition to forcing the existing labourers to reengage. But the introduction of huge number of labourers from India in the 1840s and 1850s, and a subsequent increase in Old Immigrants changed the demographic order of the island. Planters got a readily available stock to bring into the terms of indenture. They cajoled existing labourers to continue with contractual service through legal barricades on their mobility. This proved to be more cost-effective than introducing new labourers. Planters had adopted the strategy to re-introduce the Old Immigrants into the plantation through Vagrancy Laws, despite the fact that they were trying to sustain themselves through alternative vocations such as gardeners, carters, dock labourers or hawkers.

The 1860s were the period

#### Reference 964 - 0.01% Coverage

Métayage and Morcellement, the Mauritian

Government and plantation lobby adopted a one-dimensional response by criticising the instability of labour market responsible for the crisis and responded by coercive strategies of labour control.

Free labourers were blamed for the volatility of the labour market and crisis situation, and harsh legal provisions were made to push free labourers to enter into contractual service. The most compelling among such legal initiatives was Ordinance 31 of 1867. Under the new Ordinance, the Old Immigrants had to carry the ticket all the time and any immigrant found without such a ticket was labelled and prosecuted as a vagrant. In addition to this ticket, which was required since 1847, they were now required to obtain a pass from the Police also. And the time assigned to obtain both these passes was one week – what happened in most of the instances was that they were arrested while on the way to obtaining these passes or during their search of an alternative job, and either

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#### Reference 965 - 0.01% Coverage

rejected this outright. For the

Government, this would have entailed a loss of labour as the vagrants were employed in public works.<sup>46</sup>

#### Reference 966 - 0.01% Coverage

labelling vagrants as criminals, the

authorities were apprehensive that close contact with real criminals would pollute the mindset of vagrants and spoil their value as labourers. To accommodate an increasing number of vagrants and, most of all, to separate the vagrants from hardcore criminals, a separate Vagrant Depot was established in 1864 at Grande Rivière.

This Vagrant Depot was modelled

#### Reference 967 - 0.01% Coverage

criminals on the grounds that:

"By thus separating the Indian immigrants from the ordinary criminal classes, a treatment suitable to the circumstances of their race can be applied, whilst their isolation will materially facilitate the claiming of labourers by their employers and the restoration, on the expiration of their sentences, to the estates to which they may have been indentured."<sup>47</sup>

This passage from his recommendations exemplifies, in no uncertain terms, the quintessential rationale of the entire anti-vagrancy drive – to curtail labour mobility, after the expiry of indenture and to restore the Old Immigrants to plantations. The Police Commission also noted that after the stipulated punishments, almost all the vagrants entered into contractual labour for one year, and in many cases for two or three years.<sup>48</sup>

Reflecting upon the Vagrancy Legislations

#### Reference 968 - 0.01% Coverage

the following observations in 1873:

"On the whole then, the tendency of Mauritius legislation has been, I think, towards reducing the Indian labourers to a more complete state of dependence upon the planter and towards driving him into indentures, a free labour market being both directly and indirectly discouraged."<sup>49</sup>

About ten years later, even Ashley Eden, a member of Indian Civil Services who was very instrumental in the suppression of Santals uprising in India, made a note that 'the tendency of the colony was to treat as vagrants all Indians who did not choose to labour on the estates.'<sup>50</sup>

The influence of slavery on Vagrancy Laws indicates clearly in that in a period of economic crisis, planters initiated a criminal category of pre-emancipation labour regime and by using such legal instruments as ticket of status, police pass, certificates of employment, etc. they tried to regulate the occupational and geographical mobility of Indian labourers.

Anti-Vagrancy Legislations were used

#### Reference 969 - 0.01% Coverage

labourers.

Anti-Vagrancy Legislations were

used across all the locations of Indian indentured immigration to curtail mobility, but the severity of punishment was most severe in Mauritius.<sup>51</sup> The intention was to ensure the availability of labour and to have a hold over the economic independence and wage-bargaining power of Indian labourers. Fulfilling the legal requirements to acquire the status of a bonafide free labourer was so complicated, time-consuming, expensive and, above all, so manipulated and ill-interpreted that labourers were compelled, and often chose, to re-engage with the same employer, on a similarly repressive contractual obligations, or at times at even lower wages.<sup>52</sup>

From a colonial viewpoint, Indian immigrant labourers had only three places in Mauritius to live in – at work, in hospital or in gaol, since the Labour Laws virtually left no scope for them to be found anywhere else.

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#### Reference 970 - 0.01% Coverage



#### 4: PART VII – INDENTURED IMMIGRATION

### AN OVERVIEW OF LABOUR LAWS RELATING TO ILLEGAL ABSENCE AND VAGRANCY

#### Introduction

#### 1. Labour Laws Regulating

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#### ILLEGAL ABSENCE AND VAGRANCY

#### Introduction

1. Labour Laws Regulating Illegal Absence and Vagrancy .....	205	2. The Issue of Wages .....	208
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#### 4: PART VII – INDENTURED IMMIGRATION

1. LABOUR LAWS REGULATING ILLEGAL ABSENCE AND VAGRANCY Major General Hay, the Acting Governor of Mauritius, wrote to the Colonial Secretary in 1854 about vagrancy among Indian

#### Reference 973 - 0.02% Coverage

among Indian immigrants in Mauritius:

"an evil (vagrancy) which, in addition to the loss it entails on the employer of labour, is fraught with moral and social mischief, and is, as I believe, the source and basis of much of the crime of the island [...] removal of this monstrous evil would require the Government to continue its most strenuous efforts to do so."<sup>53</sup>

Since the beginning of indenture, planters had been cautious about the availability of labour because plantations were high investment ventures and the introduction of immigrant labourers added to their costs. Runaway labourers thus meant permanent loss of 'capital' and hence, stringent labour regulations were supported. The main focus of legislative attention was to control the loss of labour – illegal absence, temporary desertion, and vagrancy. In definitional terms of laws, illegal absence and desertion involved a breach of contract because these were associated with the labourers under indenture, while vagrancy was associated with the free labourers who had completed their contractual obligations. However, vagrancy was defined in very loose terms, primarily to include the desertion and labourers' refusal to work under within confines as criminal offences because vagrancy was considered to be a more serious crime and as a threat, not only to the plantation system, but to the society as whole.

From the late 1840s, the problem surfaced of how to deal with immigrant labourers who had completed their 'industrial residence' but did not want to continue on the same plantations with the same working conditions. After completing five years of industrial residence, many immigrant labourers decided to explore alternative options, which did not go down well with planters who wanted them to continue working on estates. According to colonial perceptions these Old Immigrants did not want to continue working on the

plantations because they were 'habitual idlers' and because of their 'unsettled habits' and 'erratic character'.<sup>54</sup>

By the 1850s, desertion and vagrancy became one of the primary concerns of the plantation lobby and the Colonial Authorities. In 1845, it was reported that about 6% of the total Indian labourers in Mauritius were deserters and another 11% were illegally absent.<sup>55</sup> They argued in favour of suppressing such conduct with stringent legal initiatives.

The first legal initiative of the Colonial Government to control desertion and runaway was contained in the Order in Council of 7th September 1838 which provided for such punishments as: idle and disorderly persons condemned to imprisonment with hard labour for 14 days; a rogue and vagabond for 28 days, and an incorrigible rogue for a period not exceeding 6 months.<sup>56</sup>

Ordinance 21 of 1843 prohibited

#### Reference 974 - 0.01% Coverage

and take up another post.

Ordinance 42 of 1844 defined the 'idler' as a person without the means to support himself and his family and as a burden. In order to curb the tendency of desertion and idleness among the Indian indentured labourers, this Ordinance made such penal provisions as: all such persons were to be convicted by the Stipendiary Magistrate and sentenced to hard work on public works like highways and streets for a period not exceeding one month. This Ordinance reiterated the same punitive provisions as provided in the Order of Council in 1838.

Ordinance 22 of 1847 was introduced In order to clearly identify the immigrants who had completed their contracts and those still under indenture through a ticket system as proof of status. All the Old Immigrants had to carry a ticket. It also fixed the territorial limits for the Indian labourers and in the event of their crossing these geographical boundaries, it provided for arrest and criminal prosecution without a warrant. Any Old Immigrant who failed to produce this ticket, or was not able to satisfy the authorities about his occupation or was found outside the boundaries, was liable to punishment as a vagrant.

Ordinance No. 16 of 1852 defined a vagrant as a person 'who have no fixed domicile, or any means of subsistence, and who, being able to labour, do not habitually work at any trade or profession', and provided for imprisonment and hard labour as punitive measures for vagrancy. It

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#### Reference 975 - 0.01% Coverage

laws in diminishing vagrancy.<sup>58</sup>

Epidemics, which afflicted the island in the 1850s and the 1860s, led to the deaths of more than 11% of the Indian population. The most affected area was the town of Port Louis where one third of the population perished because of the malaria outbreak. Official estimates were that mortality rates were higher in the 'Indian villages' and Port Louis which were also inhabited by the Old Immigrants. This led to a very strongly prejudiced view in official circles that these outbreaks were outcomes of the unhygienic habits of Indian labouring classes particularly of Old Immigrants. Governor Barkly, in his report to the Secretary of State, affirmed that the high mortality was primarily caused by the 'agglomeration of people of dirty habits in wretched and overcrowded huts – constructed without the slightest regard to sanitation and grouped together often in most unsuitable localities.'<sup>59</sup>

Ordinance 31 of 1867, or commonly referred to as the Labour Law of 1867, surpassed all the previous legislations in severity and intolerance against Old Immigrants.

It was validated by the

#### Reference 976 - 0.01% Coverage

It was validated by the

highest levels of Government in Mauritius and the need to maintain hygienic standards in the island. It gave enormous powers to the Police and planters to apprehend labourers. This Ordinance was the most comprehensive legislation to regulate the occupational and personal spheres of Indian immigrant labourers in Mauritius, and it remained in practice till the end of century, albeit with certain modifications, despite being the subject of the numerous condemnations as extremely repressive.

In order to understand how the Labour Law of 1867 was instrumental in regulating the geographic and occupational mobility of Indian immigrant labourers in Mauritius, the clauses most relevant need to be examined:

i. The Protector of Immigrants

#### Reference 977 - 0.01% Coverage

police, without warrant[...] (Article: XLVIII)

v. If any labourer desert from his employer's service, it shall be lawful for such employer, or any servant of such employer acting with his authority and on his behalf, without a warrant and without the assistance of police to apprehend such labourer in any public place where he may be found[...] (Article: LI)60

The Labour Law of 1867 gave enormous powers to the employers and the Police who did not require any warrant to enter any premises; they could arrest any person on the pretext of his being a vagrant and keep him in prison till the time it would take for an investigation. In addition to these, the Vagrancy Ordinance of 1867 made it compulsory to obtain a new ticket on each instance when there was a change of residence, as well as permits of discharge and on engagement for each employment.

A careful reading of these clauses of the Labour Law highlights certain features which were particularly articulated to curb the freedom and mobility of Old Immigrants – photographs had to be affixed to tickets (making them more costly); the need for an additional identification document and location in form of Police Pass, and confining these Old immigrants to fixed locations was also initiated.

The most significant change was the extension the right to challenge the status and to apprehend Old Immigrants, to ordinary people and planters' agents, a right which was more than often abused by planters' agents to exert their control over the labourers. The Procureur Général's statements, justifying these stern measures, were a most reflective articulation of colonial prejudices and contempt of the Indian immigrants, and implied doubts in the ability of free Indian labouring classes to sustain themselves by pursuing an independent occupation:

"There are a great number

#### Reference 978 - 0.01% Coverage

the following observations in 1873:

"On the whole then, the tendency of Mauritius legislation has been, I think, towards reducing the Indian labourers to a more complete state of dependence upon the planter and towards driving him into indentures, a free labour market being both directly and indirectly discouraged."<sup>62</sup>

At more or less

#### Reference 979 - 0.01% Coverage

in the petition of Old

Immigrants, especially regarding the attempt to restrict labour mobility, and took a strong stance against the Protector of Immigrants and the Inspector General of Police for their failure to protect the interests of the Immigrants in Mauritius.

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#### Reference 980 - 0.01% Coverage

the Ordinance of 1867.<sup>64</sup>

Ordinance 12 of 1878 abolished the harsher aspects of the 1867 laws and provided for a more efficient system of checks for errant planters, especially Article 284 which empowered the Governor to take action against the bad planters who were misusing the provisions of the Labour Ordinance. Punitive actions for vagrancy continued.

Ordinance 12 of 1922 finally repealed the penal clause in the regulation of labour. 2.THE ISSUE OF WAGES  
From very beginning of the

#### Reference 981 - 0.01% Coverage

the Government of Mauritius.<sup>65</sup>

Initially, however, there were rampant violations of contractual obligations on the payment of wages and for the first time, the Order in Council of 7th September 1838 provided for the strict obligation of the payment of wages and provided the opportunity to the indentured labourers to seek redress by making a complaint to the Court of Stipendiary Magistrate who had the power to order the full payment of arrears due to the labourer or terminate the contract.

Ordinance 15 of 1852 (Article 10) made the withholding of payments a punishable offence, and the employer had to pay £10 compensation to the complainant, if the charges of non-payment of wages were proved. Article 11 of the same Ordinance provided that if the arrears were due for more than 3 months, this amounted to breach a of contract and the indentured labourer had the right to claim the end of contract.<sup>66</sup> This Ordinance also provided for the seizure of the property of the employer to pay the arrears of wages due to the labourers.

Ordinance 31 of 1867, one of the first comprehensive and overarching Labour Laws repealed all the Labour Ordinances till then, extended it to all labourers including domestic servants, and handicraftsmen or even overseers of labour of any origin if their monthly wages were below £4.<sup>67</sup>

Ordinance 12 of 1878 authorised the Protector of Immigrants or any Inspector of Immigrants to represent the labourers in the matter of the dissolution of the contract, if the labourer's wages were not paid for three consecutive months.<sup>68</sup>

Labour Ordinance 12 of 1922 reduced the time to one month. If the labourers' wages were not paid for one month, he was entitled to the dissolution of the contract, by making an appeal in the Court of Stipendiary Magistrate. Even if the labourer did not make a complaint, and wages were not paid for three consecutive months, the Protector had the right to request the dissolution of the contract on the ground that the interests of labourers were protected in the said contract.

Figure 9: Complaints by Indian Labourers against their Employers, 1878 – 1898 Year

1878 1879 1880 1881 1882

#### Reference 982 - 0.01% Coverage

an overdue of wages had

more to do with the attitude of planters than an actual crisis of funds. Planters always avoided the wage payments on some pretext or other and a minor fault on the part of labourers provided them with an opportunity to forfeit all the accumulated wages of errant labourers. In addition, the nonpayment of wages often pushed labourers into a debt trap of money lenders, and this eventually pushed the Immigrants to extend their contracts, as desired by the planters.

Double Cut

All the Labour

#### Reference 983 - 0.01% Coverage

by the planters.

Double Cut

All the Labour Laws stipulated the wage and ration levels and employers were strictly prohibited from employing any indentured labourer below the stipulated rates. However, the Labour Laws provided also for employers paying less than was legally stipulated through the 'double cut' or deduction of two days of wages for an absence of each day. This was primarily introduced to control illegal absence and habitual idling among the indentured labourers. This was practised by the planters as early as 1839<sup>69</sup> and obtained legislative endorsement in Ordinance 22 of 1847.<sup>70</sup> The planters' explicit authority in applying this 'double cut' without any reference to protective authorities such as Stipendiary Magistrates, was established by Ordinance 16 of 1862.<sup>71</sup> Rampant misuse ensued. In 1874, the former Assistant Protector of Immigrants in Mauritius, Robert Mitchell reported that 'double cut' reduced the wage bills by one third on good estates and one half on bad estates to what should have been actually paid to the labourers.<sup>72</sup> The Royal Commission also condemned it, describing it as a 'monstrous system'.<sup>73</sup>

The 'double cut' system remained in effect even with the supposedly pro-labour Ordinance 12 of 1878, though it tried to put some control on planters' use of this provision by making the approval of a Stipendiary Magistrate mandatory

#### Reference 984 - 0.01% Coverage

Ordinance 13 of 1908.<sup>75</sup>

By the mid 1860s, it was becoming apparent that the overall system of maintaining labourers on estates was not cost-effective. The decade of the 1870s witnessed a period of improvements in some facilities provided to indentured labourers on the plantations – housing, medical, food and other provisions which added hugely to the costs of labour. In order to cut the costs, planters now shifted to employing labourers on short-term contracts, and that too through contracts, rather than engaging them directly on the estates. Under this arrangement, planters were not obliged to maintain labourers for the non-working part of their

#### Reference 985 - 0.01% Coverage

wages only for the work

performed. This strategy helped them to cut the costs of labour to a great extent. 3. CHANGING STRATEGY, 1870S ONWARDS We shall now briefly describe the planters' strategy of labour control and certain crucial shifts in 1870s onwards. We shall argue that strategies of labour control should not be seen as monolithic, static responses from the masters, but we shall put them in a larger context of the needs of production system, interests of the capitalist classes and changing dynamics of labourmaster relationship. Planters responded to the crisis of the sugar economy and its sinking prospects in the 1860s by forcing labourers to continue to work on plantations under contractual bindings and anti-vagrancy legislations facilitated planters' attempts to effectively curtail the prospects of labour mobility or give any scope for labourers' bargaining to increase wages. This strategy helped

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#### 4: PART VII – INDENTURED IMMIGRATION

the planters in coping with the demands of the industry at that time, but by the mid-1860s it was also becoming apparent that the overall costs of maintaining labourers on estates was not very cost-effective. The 1870s were also a period of certain improvements in facilities provided to the indentured labourers on plantations – housing, medical, food and other provisions which immensely added to the costs of labour. In order to cut costs, planters now shifted to employing labourers on short-term contracts, and that too through contracts, rather than engaging them directly to the estates.

Under this arrangement, planters were not obliged to maintain labourers for the non-working part of their VRS and had to pay wages only for the work performed. This strategy helped them to cut the costs of labour to a great extent. But the most striking shift in the realm of labour relations took place in form of *Métayage* and *Morcellement*<sup>76</sup>. Finding the large scale cultivation economically unviable, planters decided to lease the plantation part to the old immigrants and concentrate on production of sugar by consolidating it and making it more cost-effective. In a severe financial crisis, because of the sinking fortunes of Mauritian sugar in the wake of global competition, planters had no financial resources to invest in the improvement of plantation, and this moved them to separate the plantation of sugar cane from the making of sugar.

They

transferred cultivation part to

#### Reference 987 - 0.01% Coverage

the making of sugar.

They

transferred cultivation part to the Indian population through the *Métayage* and *Morcellement* processes. It was a decisive shift towards a crucial reversal of the earlier policy of regulation of labour mobility to a phase of labour relations where mobility of labourers was promoted, and they were encouraged to move out of plantation and either buy or lease small plots of lands to grow sugar cane. As scholars like Raj Virahsawmy, Richard Allen and M. D. North-Coombes have argued, this strategic change in labour relations had very enduring consequences for the Indian labour Diaspora in Mauritius, and it facilitated the growth of a new class *petits planteurs* in the social order of Mauritius which, in course of time, played decisive role in the future course of the Mauritian political economy and social-cultural space.

#### 4. LEGAL RECOURSE FOR PROTECTION

##### Reference 988 - 0.01% Coverage

Protector of Immigrants and the

Stipendiary Magistrates, Indian labourers seldom received any reparation for their ordeal because, rather than protecting the interests of these labourers and saving them from harassment at the hands of planters or Police, these officials mostly remained indifferent or commended the need of a strict legislative mechanism to put labourers' VRS in order.<sup>77</sup>

During the indenture period, the

##### Reference 989 - 0.01% Coverage

During the indenture period, the

overall system of legal/judicial recourse was tilted in favour of planters, an indication of which can be traced from what Geoghegan reported in 1873, after examining the cases brought by employers against labourers and vice versa. His report shows that planters won 91% of cases brought by them, while Indian labourers won only 38% cases.<sup>78</sup>

This one area of the

##### Reference 990 - 0.01% Coverage

vagrancy' acquired new meanings in

the context of an Indentured Labour regime and the multiplicity of ways in which it was conceptualised and appropriated as a ploy to regulate the geographical and occupational mobility of labour. We have also tried to ascertain that the real intention of anti-vagrancy legislation was not the prevention of crime among the old immigrants,<sup>79</sup> as it was often promulgated by the colonial authorities, but to restrict their mobility away from the estates, even after the completion of indenture, and therefore to ensure their availability for work on plantations by placing stringent legal constraints on old immigrants' efforts to move beyond the confines of plantations and the contractual obligations of indenture, so as to pursue a vocation of their choice.

We have also tried to

##### Reference 991 - 0.01% Coverage

scales of wages and punitive

provisions for non-payment of wages in the Labour Laws, planters resorted to every possible trick to avoid paying wages right up to the beginning of 20th century, which severely curtailed the mobility of indentured labourers.

Another point we have tried to emphasise in this Report is that the Labour Laws, during the indentured period, should not be

##### Reference 992 - 0.01% Coverage

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#### 4: PART VII – INDENTURED IMMIGRATION

#### REGULATING THE MARRIAGES AMONG THE INDENTURED LABOURERS AND THEIR DESCENDANTS IN MAURITIUS

INTRODUCTION .....213 REGULATION OF INDIAN

#### Reference 994 - 0.01% Coverage

violent clashes between the immigrant

labourers and even the murders of wives or men involved in the relationships.<sup>80</sup> Murders of wives by the husbands occurred mostly because of distrust, jealousy or betrayal by the women partners which was considered 'rampant' in Mauritius, although it was often termed an 'epidemic' in the colonial lexicon. As late as in 1880s, among the Indian population, 21 wives were murdered by the husbands.<sup>81</sup> Indenture in this respect undermined the institution of marriage.

The Royal Commission noted that

#### Reference 995 - 0.01% Coverage

in the immigrant set up.



To address the concerns over the disproportion of sexes among the Indian communities on the plantations and also to stabilise the labouring population in Mauritius (for the other labour importing colonies as well) Colonial Authorities fixed the quota of women mandated who could be taken along with the male emigrants, encouraged the family emigration from India. A bounty of £2 was paid to those immigrants who came with 'legitimate' wives. However, this led to another forms of disorder whereby widespread instances were reported of selling of daughters or wives, using marriage ties to bring women to Mauritius and then selling them off to make extra profits by the sirdars and returnees. In 1860s, 'many sirdars and overseers brought two and sometimes three women with them' as their wives who were, as the Protector reported, sold or transferred to other men to make money. 84 Abuse of indentured women also occurred by the plantation owner and managers leading to numerous offspring who today still be identified through their mixed Asian and European origins. Many of these form part of the Coloured population who form the subject of subsequent chapter.

#### REGULATION OF INDIAN MARRIAGES

In

#### Reference 996 - 0.01% Coverage

chapter.

#### REGULATION OF INDIAN MARRIAGES

In the initial periods of indentured emigration, the Colonial Authorities had been lenient concerning cohabitation among Indian immigrants. Their primary concern was to secure the supply of labour on plantations, and since women were not employed in Mauritius, they cared the least for them. A Royal Commission reported that before 1853, no law existed in Mauritius specifically providing for celebration and recognition of Indian marriages.<sup>85</sup> However by 1850s, with the large influx of Indian immigrants and a sizeable number of Indian labourers in the colony, the Colonial Authorities had to ratify marriage legislations. In 1853, provisions were made under Ordinance 21 of 1853 to recognise the marriages solemnised between the members of the Indian immigrant community

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#### 4: PART VII – INDENTURED IMMIGRATION

imprisonment with hard labour for a period not exceeding six months.<sup>105</sup> Ordinance 12 of 1870 even extended the purview of the Law to non-Indian wives of Indian immigrants whilst making the fine Rs 500; it was to be imposed along with imprisonment.<sup>106</sup> However, legal redress was available only if the husband and wife were married according to Civil Law. In the 1850s, since most alliances among Indians were not legally recognised, the protection was meaningless and husbands had recourse to extra-judicial methods: quarrelling, physical assault and in extreme situations, even murders.

Feminist scholars of indenture have

#### Reference 998 - 0.01% Coverage

Tamil and Telugu immigrants.<sup>113</sup>

One positive consequence of indenture was the change in obstacles to marriage. Widow remarriage, could be ascribed to the relative scarcity of the women<sup>114</sup> and not as a critical social-cultural reform taking place

in the indentured labouring community. In Mauritius, unlike the societal restrictions in India which prohibited the remarriages of widows, the circumstances were more conducive, and widows re-married, some more than once.<sup>115</sup> This can be understood by examining practices in India: because of the traditional marriage practices in India, leading to a huge age gap

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#### Reference 999 - 0.01% Coverage

marriages Source:  
Many hi women.  
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#### Reference 1000 - 0.01% Coverage

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##### OF INDENTURE IN MAURITIUS INTRODUCTION

Child labour in Mauritius was present in Mauritius since the early establishment of the island. During the period of the slave trade, children were also a commodity to be bought and sold. During the period of indentured immigration, many children accompanied their parents to Mauritius and some came as orphans. Officially, they did not come to work but many ended up doing estate labour or in domestic service.

At the beginning of indenture

#### Reference 1003 - 0.01% Coverage

Figure 20: Wages of children

Age of labourer on day of engagement

7 - 9 inclusive 10 - 12

#### Reference 1004 - 0.01% Coverage

time, as valuable as money.

The role and place children occupied within the Mauritian society and the way of considering them varied considerably. In institutions such as the Government Orphan Asylum and the Reformatory, they were given what could be described as 'correct' treatment: food, lodgings, moral instruction and they were taught a trade. There, they were prepared to become industrious in a society which valued labour. Indian children tended to be viewed as persons who would take over from their parents in field labour and domestic work. Thus, education would change the mentality of children and it is not surprising that many resisted such education for their children. Many plantation owners were antagonistic. They 'considered knowledge as a dangerous thing'.<sup>120</sup> The fear that education might lead to rebellion was as real as it had been during slavery.

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#### Reference 1005 - 0.01% Coverage

##### 4: PART VII – INDENTURED IMMIGRATION

Children in the 19th century could be considered as 'little adults'. Many worked long hours but received meagre salaries and could not enjoy their childhood. The child was no more than 'a person above ten years of age'.<sup>121</sup> It was only in 1908 that an Ordinance controlling child labour was passed. It specified that 'no written contract shall be passed with any minor under 13 years of age. Any minor of the age of thirteen and upwards up to sixteen shall be free to engage under written contract of service for one year only with the consent previously obtained of the parents or guardian'.<sup>122</sup> There was a 'Laissez aller'. This Ordinance shows that despite the fact the legal age for working by law was acceptable to be thirteen years of age, someone of that age was still too young to work. It was only towards the end of indenture that the situation began to change.

Indian parents' approach to childhood

#### Reference 1006 - 0.01% Coverage

were only explorers, not colonisers.

The first to settle in Mauritius were the Dutch in 1638. They expanded sugar cultivation to Mauritius and brought labour from Batavia. Batavia was founded by the Dutch in 1619 and its population was mostly composed of Chinese immigrants, traders and victims of kidnapping. An account of "Francois Leguat who visited Batavia in 1697," described his encounter with the Chinese people as being "as white as Frenchmen", hardworking and talented in commerce."<sup>158</sup> Thus, it was not unlikely that the Dutch should introduced slaves from Malaysia and China, Bengal, the Malabar Coast or Extreme Orient to Mauritius.<sup>159</sup> However, "since the Dutch abandoned Mauritius around 1710, there are no known descendants on the

island from this period.”<sup>160</sup> In the 18th and 19th centuries, colonized by the French and the British, Mauritius became a colony deeply depending on the slave labor for its plantation workforce.

### 3.2 Chinese Slaves and

#### Reference 1007 - 0.02% Coverage

succeed.

### 3.3 Chinese Coolies

There were several attempts during the British period to import Chinese labourers to the island. Unfortunately, many of them were unsuccessful. In July 1811, Governor Farquhar asked the Governor of Java, Sir Stanford Raffles, to send Chinese labourers. When the Chinese arrived in Mauritius, Governor Farquhar found himself faced with a “parcel of vicious and vagabond Chinese artisans and outcasts,”<sup>170</sup> instead of the hardworking men he expected. The parcel was eventually sent back. Around 1828, another attempt was made to recruit Chinese labourers. The scheme, established by the late William Gordon, who ascertained that Chinese could be hired without difficulty as indentured agricultural servants, was put into practice. A number of labourers were recruited from Penang and Singapore, but when they arrived in Mauritius, they were not satisfied with the terms and conditions of their contracts. They eventually abandoned their work and became vagrants. It was noted that in August 1829, 400 Chinese were brought and they were described by Captain R. Vickers as being “inferior workers and turbulent, despite being given daily rations, clothing and 6 Spanish dollars monthly.”<sup>171</sup> Their attitude towards the planters was also described as most disrespectful. The labourers would exhibit “immediately on their landing, a disposition to impose on their employers,” and the planters “had no power to compel the labourers to perform their agreement (...).”<sup>172</sup>

An increasing flow of Chinese immigrants occurred from 1840 to 1844, when emigration was temporarily suspended in India, and the Government turned towards the Chinese as a source of labour despite its past negative experiences with the latter. During that period, 8000 of Chinese landed in Mauritius, 3000 between December 1840 and July 1843 and 5000 up to 1844. The Chinese were then “seen as the saviours of the sugar economy,”<sup>173</sup> but cases of bad attitude and/or ill-treatment were still very present. James Ng and Marina Carter (2009) remarked that in a few cases, they found that the Chinese were very little seen as victims but rather instigators of the disorder<sup>174</sup>, for example, the case of 18 Chinese working on the Queen Victoria Estate. The latter complained of ill-treatment on the part of an Indian “Sirdar” and a Creole overseer but were sanctioned to 8 days in prison and a salary deduction as it was reported that the Chinese behaved in a threatening manner. The behavior of the Chinese also made cohabitation an issue. An Estate manager in 1841 responded to a complaint made by the Chinese: “They are the worst introduction made into the Colony; they are very insubordinate, passionate and so lazy that the Indians have reproached them for their idleness which has given rise to several disputes between them.”<sup>175</sup> In December 1843, “Ajee, a Chinese carpenter employed by Bestel in Plaines Wilhems complained of assault by a group of Indians.”<sup>176</sup>

The hardship of the work meant that the Chinese did not remain long in that area. Some became vagrants; many were sent back to their country of origin, and others still left Mauritius for other countries such as Reunion Island and/or went to urban areas to perform skilled work where wages were higher. The resignation of the Chinese is possibly due to the drop of wages for Estate labourers, the lifting of suspension of emigration from India and also the fact that Chinese labourers had a background of artisanship, craftsmanship and urban work<sup>177</sup>.

### 3.4 Chinese Presence in

#### Reference 1008 - 0.01% Coverage

## Commerce and Free Chinese Immigrants

Ly-Tio-Fane-Pineo (1985) stated that the foundations for a permanent Chinese settlement in Western Indian Ocean were laid by Robert Townsend Farquhar, the first British Governor of Mauritius. He truly believed that Chinese immigrants would greatly contribute to the development of the country. In parallel with the importation of Chinese labour, came free Chinese migrants. The arrival of this type of migrant coincided with a boom in the economic expansion of Mauritius for the next century.

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### Reference 1009 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

It all started, when Hayme, a Chinese who settled in Mauritius petitioned in 1821 to recruit Chinese at his own expenses; he received the full support of the Governor Farquhar. The latter gave him "the assurances that the immigrants he would bring back would be welcomed to the government."<sup>178</sup> By 1826, Hayme returned back with 5 associates: Whampoo, Hankee, Nghien, Hakkim and Ahim. The men Hayme brought in Mauritius were clearly merchants and traders.<sup>179</sup> During the war in the 19th century, the Nanking Treaty 1842, small traders were ruined by the Traid organisation. These traders either had to associate with the "Traid" or move to Canton to work in Port activities. Knowing that his men were not coolies but business men and that a labourer was the lowest social class, Hayme made sure to restrict community activities to retail trading since working as a labourer would "lower the social placement of the community."<sup>180</sup> A list of 26 Chinese in the Faubourg de l'Est in the year 1828 shows the activities of the Chinese. Of the 26, 10 of them were "colporteurs", 12 were merchants, 2 dressmakers and one waterman (batelier) and carpenter.<sup>181</sup>

Figure 26: Free Chinese Arriving

### Reference 1010 - 0.01% Coverage

them or be selfemployed.<sup>182</sup>

Chinese businessmen such as Hayme and Ahine were very autonomous and resourceful. <sup>183</sup> They engaged in activities that were exclusively done by the Whites. They would import goods in large quantities together with some Chinese labour. Their shops were never out of stock and their prices would defy any competition. <sup>184</sup> Furthermore, the social transformation which occurred in Mauritius from the 1830s with the liberation of slaves and the arrival of indentured labourers, offered more trade prospects to the Chinese. The Chinese set up their businesses at strategic points and received a type of clientele who "were not readily accepted by the Europeans." In Port-Louis, they settled between "le camp des noirs" and "le Camps des Malabar"<sup>185</sup> and traded between these two local communities.

Their commerce expanded through rural

### Reference 1011 - 0.01% Coverage

dominations of the sugar magnate.

"We suffer the same faith, we suffer the same destiny, we get the same destiny. The liberated slaves, indentured labour and the free immigrants shared the same common destiny. When the wipe of colonialism is slashed, no one was spared. Even the Chinese shopkeeper, he has to bear. Do you know what injustices the Chinese suffered when they run a shop? ...you can't collect your money at the end of the year, the sugar

magnate; you have to provide them with gifts. You must provide them with "cadeau l'année". The contribution of the shopkeepers cannot be under estimated. They have introduced the system of credit "carnet la boutik" to feed the descendants of slaves and indentured labourers"205

"The shopkeeper is a sort

#### Reference 1012 - 0.01% Coverage

Chinois. »208

#### 5.0 CONCLUSION

The contribution of the Chinese, in the mindset of more than one, was seen as that outcast to the economic development of the country. Their apparent economic success shadows came from labour, callous living conditions and dominations they had to suffer for almost two centuries during their presence in Mauritius. The new generations of Sino-Mauritians have been spared all these sufferings, at the cost of "forgetting" their roots and culture. The contribution of this community resides far beyond the field of economic development; they nurtured relationships both within and outside their communities and contributed to the well-being of every Mauritian. They lived within every community of the island, irrespective of ethnic barriers, bringing their milestone to the development of the country by innovative ways of helping people and developing business.

However, while looking forward to the younger generations moving up the social ladder, the community has been faced with relegating their past sufferings and conditions to a loss of memory. To some extent the community preserves only the legendary hardworking capacities of the Chinese people. History itself has played a role in this parody depiction of this community which has often been limited to hard labour or to distinctive figure of the Chinese and their astonishing economic development through over the last two centuries. These people fled their countries to form new communities all across the world. Most of them would not return to China after the Communist take-over and found no other solution but to stay and secure their future in their adopted countries.

Today, after an incredible economic

#### Reference 1013 - 0.01% Coverage

#### LIBERATED AFRICANS IN COLONIAL MAURITIUS

'FREE' AFRICANS IN MAURITIUS AFTER SLAVERY One of the most common stereotype in Mauritian history is of the African slave and Indian indentured labourer. It is important however that Mauritians know that Africans and Malagasies were also brought as labour after abolition of slavery. Their archives are found in the 'Indian Immigration Archives' found at the MGI. This history deserves to be better known by Mauritians, as many members of the Creole community originated from them, as the case studies show.

#### 1.1 Who were the

#### Reference 1014 - 0.01% Coverage

servants in the Police Department.

The Liberated Africans were landed, registered, and underwent a medical examination at the Customs House. They were placed under the authority of the Collector of Customs and the Customs Department and became the 'wards' of the British Government'. They were housed at the Bagne for several days and weeks in order to allow them time to recover from the ordeal of the slave voyage and to acclimatize themselves

to the local climate. Those who were sick were sent to the Labourdonnais or Military Hospital. With the demand for labour in Mauritius, they were either employed in Government Departments or assigned to private employers through the means of an indenture contract.

In 1827, the last Liberated

#### Reference 1015 - 0.01% Coverage

Government and employers owed them:

"...the ordinary rate of colonial hire for the labour of a negro in one year, and considering the number of years these negroes have laboured, the severity of that labour, and the profits of the sugar plantations for some years past, a compensation might justly be due to the negro for past indemnification be asserted by the

#### Reference 1016 - 0.01% Coverage

rather than any claim of

VOL 4: PART VII – INDENTURED IMMIGRATION labour was valuable in Mauritius during the slavery era. After all, it was a precious commodity which was coveted by the

#### Reference 1017 - 0.01% Coverage

day by his employer.<sup>224</sup>

The Liberated Africans represented one of the African and Malagasy groups in Mauritius that were not 'creolised' or enslaved. How far, and for how long, they were able to retain their African and Malagasy identities remains to be further researched. The public did not distinguish between slaves and Liberated Africans. John Finiss, the Chief Commissary of Police, wrote: 'Many of the inhabitants do not in their declarations distinguish between slaves and Prize Negroes.'<sup>225</sup> Employers as well saw them as nothing more than a source of cheap labour, just like their slaves, which had to be exploited to the maximum in a colony which was always plagued by labour shortages. The Commissioners of Eastern Enquiry took a special interest in the condition of the Liberated Africans and in their report, the Commissioners concluded that the Prize Negroes were treated no better and, in some cases, even worse off than the slaves.<sup>226</sup> Barker has concluded that 'It is not impossible that the planters concerned treated this casual labour force more harshly than the slaves they actually owned. What is certain is that in the Farquhar years they were operating free from any external humanitarian supervision or control.'<sup>227</sup> Maroonage was the only escape from this new form of servitude called apprenticeship.

During the late 1820s and

#### Reference 1018 - 0.01% Coverage

##### BEGINNINGS AND DEVELOPMENTS TILL 1870S

In the colonial lexicon, planters, as well as the colonial authorities, depicted the Indian immigrant labourers as being 'from the lowest and most ignorant classes of their countrymen who at present appear to be beyond the reach of the civilising and humanising influences of religion and education'.<sup>238</sup> Despite this

awareness about the lack of education among the immigrants, the need to provide education to the labourers and their children did not fit into the scheme of things for planters, neither did it have the attention from the administrators in the first few decades because, for Mauritian authorities, Indian indentured labourers were primarily 'transient sojourners' who had come to Mauritius as labourers to work on plantations and would eventually return to their homelands. Therefore, there was no logic or requirement to provide them education. The more fundamental reason for this slackness towards providing education was the inherent logic of capitalist production system which does not permit any investment for which there was no material return. Since performing menial labour in the cane fields did not require any specific knowledge, there was no motivation for planters to invest resources

#### Reference 1019 - 0.01% Coverage

to invest resources in making arrangements for education of immigrant labourers or their children. Even the missionaries, who were considered to be very active in providing education to the underprivileged classes, somehow did not get involved in the 'mission' of educating the Indian immigrants. Superintendent of Schools, R. H. Walsh noted this inaction of missionaries in 1859 for which he put blame on ignorance of missionaries in languages spoken by the Indian immigrants, "[...] I am not aware of

#### Reference 1020 - 0.01% Coverage

of the Indian languages [...]”<sup>239</sup>  
Despite this general lackadaisical attitude, colonial authorities at times put across the idea of educating the children of labouring classes, although there were no efforts towards its realisation, and it remained at the levels of rhetoric and individual opinion.  
Immediately after the commencement of

#### Reference 1021 - 0.01% Coverage

individual opinion.  
Immediately after the commencement of indentured immigration from India, when the deplorable conditions of Indian immigrants attracted severe condemnation for the system from all quarters, Governor Nicolay proposed to establish a government controlled education system to spread education, especially among the children of labourers,  
"On the subject of Public

#### Reference 1022 - 0.01% Coverage

schools, under the Control of



Government, an object which I consider to be essential to the successful spread of education, specially among the children of labouring classes.”<sup>240</sup>

Nicolay made this proposition in 1839; yet no efforts were made to provide education to the children of Indian immigrants till the 1850s. The first proposal for a comprehensive education system came from Bishop Chapman who visited Mauritius from Ceylon in 1850. He proposed that an annual grant-in-aid be provided by the Government and there should be an increase in the number of Protestant clergy, ‘especially [...] for planning and assisting in the instruction of the immigrant population’<sup>241</sup> The matter of providing education to the Indian immigrants caught the attention of the Mauritian Government with the arrival of Higginson as Governor in January 1851. When the Committee of the Mauritius Church Association proposed to set up a school in Port-Louis for elementary education in English and Tamil and to train teachers to teach in schools to be opened, with the help of Reverend Hardy who was engaged in providing education to the children of labouring classes in South India, Higginson opined that the proposal should not be neglected, and he was in favour of trying it out. Subsequently, with a grant of £ 200, an experimental school was started for the children of Indian immigrants in the Savanne district. An Indian school teacher was appointed to run this school and the medium was the vernacular. This experiment was not a success and had to be abandoned after few months because educating their children was not on the minds of the immigrant labourers and very few children came to attend.<sup>242</sup> However, another observer ascribes the possible reasons for the lack of attendance to the inability of Indian teachers who ‘had no experience in education’.<sup>243</sup>

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#### Reference 1023 - 0.01% Coverage

should be made, to extend

the blessings of at least the rudiments of Education and of Moral training to the children of our labouring classes – and the success of which would unquestionably prove alike beneficial to themselves, to their employers, and to the community at large.”<sup>244</sup>

Higginson was trying to set

#### Reference 1024 - 0.01% Coverage

light of ordinary character.”<sup>245</sup>

He was well aware of the fact that reluctance would emanate from both the concerned parties – labourers as well as the planters. Since most of the children of immigrant labourers began to work on the plantations at an early age, a situation which not only contributed to the earning of their families, but also provided a relatively cheap labour to the planters (children were being paid less wages than adults), the reluctance would obviously come from both the parties, since sending the children to school would mean the sacrifice of immediate gains.<sup>246</sup> Despite these apprehensions, he was optimistic that the Government, which possessed the power and the means for moral and social advancement, would be able to succeed in setting up a popular education system for the immigrant population of the island.

For Higginson, the solution lay

#### Reference 1025 - 0.01% Coverage

set forth by the administrators.

Higginson's proposal was submitted to a Special Committee of the Council of Government, which deferred the matter for more than a year before finally submitting its comments in May 1855. While agreeing with Higginson's concern for the need of education for the children of immigrants, the special committee dissented on the issue of separate Indian schools in the vernacular medium because it opined that an exclusive education system would not only prevent the assimilation of Indian immigrants with the Creole population and a permanent, cohesive settlement of the immigrants in Mauritius, but would be a sign of a discrimination against the Creole population. Reflecting the dominance of planters in the Special Committee, it wanted education to be more functional for the sugar industry rather than training people for other vocations – curriculum should be designed to train the labourers for 'the cultivation of the soil and rudimentary mechanical arts'.<sup>249</sup> The Report of Special Committee signalled the planters' obvious agenda behind supporting the education of the children of immigrant labourers in unambiguous terms – they wanted their dictates to be obeyed in deciding the essentials of the education system and use it as a means to further the interests of the sugar industry.

Upon receiving the Report of

#### Reference 1026 - 0.01% Coverage

have yet been attempted".<sup>252</sup>

He intended to introduce the compulsory education because 'education can not be forced except by making it compulsory' and had the Compulsory Education Ordinance approved by the Council in 1857. This Ordinance made it compulsory for all the boys between six to ten years to attend the school if they resided within 1 ½ miles of the school. There was a £ 5 fine for restricting children from going to school<sup>253</sup> but unfortunately the medium of instruction, against the wishes of Higginson, was decided as French, which eventually earned the antagonism of the Indian Government. The Compulsory Education Ordinance could not ultimately take off because of the disapproval of the Government of India which objected to imposing compulsory education on the Indian population in the French medium on the grounds that it did not include their mother tongue and would lead to creolisation of Indian population.<sup>254</sup> According to Hugh Tinker, a noted scholar of the indenture system, this disapproval from Indian government came because of the treatment it expected for the Indian labour Diaspora in their adopted lands. Tinker argues that the Indian Government wanted the immigrants not to be assimilated, but to be treated as 'separate and unequal',<sup>255</sup> and therefore, it objected to the French as the medium of education because it would lead to the assimilation of the Indian Community with the Creole population. Whatever the logical push had been behind this objection, the Indian Government stalled the first attempts to introduce compulsory education for the Indian immigrants in Mauritius by this detrimental step, and it took more than two decades to recover from this and set forth a comprehensive education system for the Indian immigrants' children.

The inadequate conditions of education

#### Reference 1027 - 0.01% Coverage

of education among the immigrant

population can be discerned from the relatively miniscule number of Indian children attending schools in the 1860s when the size of Indian labour Diaspora was more than two hundred thousands:

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#### Reference 1028 - 0.01% Coverage

1867 1287

Source: ARPI, 1868.

The next spurt in the development of education came in the post-Royal Commission era but, before going into that, we shall discuss the underlying motives of colonial administrators and planters efforts for promoting the education among Indian immigrants. By the middle of 1850s, the Indian labour Diaspora had acquired a numerically prominent presence in Mauritius with a sizeable number of young children and the colonial authorities began to call for rescuing these children from 'stolid ignorance'<sup>256</sup> and 'elevate their moral and social conditions'<sup>257</sup>. But did these benevolent civilisational intentions really induce the administrators like Higginson to take so keen an interest in promoting education or there were more matter-of-fact reasons behind it? Racial stereotyping of the Indian immigrants continued to be reflected in Higginson's minutes on education where he traced the absence of civilising influences among them.

The colonial authorities, as well

#### Reference 1029 - 0.01% Coverage

it clear that their innate

motive for promoting education among the Indian immigrants was essentially based on the racist binary division of civilised/ barbaric where illiterate immigrant labourers were seen as barbaric and possible threats to the 'civilised order of plantations'. Therefore, they were to be educated to dissuade them from turning towards the anti social disruptive ways of life. And it was not at all aimed at improving their general conditions by genuinely educating them.

After Higginson's initial efforts, only

#### Reference 1030 - 0.01% Coverage

setting up schools on the

plantations because it reduced the financial burden on planters in running schools for the children of labourers which they were most hesitant to do, for its 'non-productive' implications. Adolphe de Plevitz, who was trying to secure a fair treatment for the immigrant labourers while maintaining a school on his estate for the children of Indian immigrants, was very much concerned with their education as well because he envisaged education as a vehicle of socio-economic emancipation and strongly believed that education would give the children the opportunity of improving themselves so as to be able to cope in their adult life in Mauritius.<sup>264</sup> He raised the issue of inadequate educational arrangements for the immigrant labourers on estates in the press and before the Royal Commission. He underlined the lackadaisical attitude of the Colonial Government which had not taken a single legislative initiative to promote education among the children of immigrant labourers and a lack of qualified teachers for the Indian schools.<sup>265</sup> The derisory arrangements of education for the children of Indian labour Diaspora were validated by the Royal Commission also. Royal Commissioners reported that 'the education was deplorably low among all classes of Indian population' and out of nearly 40,000 Indian population between the age of five and fourteen years, not more than one thousand were attending schools, and even among this infinitesimal number of school going children, the proportion of girls was negligible.<sup>266</sup> In spite of expressing serious concerns over the deplorable condition of education for the immigrant children, Royal Commission did not make any concrete suggestions for the setting up of a comprehensive education system. At the level of a vague suggestion, it recommended for 'some system of compulsory education' for the children up to ten years of age.<sup>267</sup>

## 2. DEVELOPMENT OF INDIAN EDUCATION

#### Reference 1031 - 0.01% Coverage

of the Committee for the discontinuation of these schools was related to the medium of instruction. The Committee opined that vernacular learning would be of no use to the immigrants, and that English education would be better for them. Further, the Committee found the expenditure on importing teachers from India uncalled for.<sup>274</sup> Upon the recommendations of this Committee, Governor Bowen decided to change the nature of these schools. Some were relocated, English was included as the medium of instruction, and these were rechristened as Anglo-Vernacular Schools after their administrative control was handed over to the School Department. At first glance, this emphasis on English appeared to be very progressive, since inculcate progressive values in the children of immigrants', but the essential motivation of the administrative authorities for the education of immigrants' children remained the same to make them capable of calculating their wages. This attitude exemplifies the discriminatory attitude of the colonial administrators who wanted the Indian immigrants to be labourers forever. The Protector for example, noted in his Report for 1881, 'all that need to be taught is to be able to read and write and to master thoroughly the principles of addition and subtraction in order that they may be able to calculate their wages due to them and may be able to jot up their accounts'.<sup>275</sup>

#### 3. DEVELOPMENTS AFTER ROYAL COMMISSION

#### Reference 1032 - 0.01% Coverage

education among the Indian diaspora:

"In fact the bulk of Indo-Mauritian population do not attend any school. They are not allowed, to idle away their time. They are educated by labour, either being employed in field work – each estate having a numerous young 'chokras' (boys) – or made to assist their parents in their various pursuits and trades; or again, trained as domestic servants or cooks. These remarks apply exclusively to boys, as the girls stay at home, and married at an early age."<sup>283</sup>

This memorial was also very

#### Reference 1033 - 0.01% Coverage

children misfits in the community.

The Memorandum submitted by the Action Libérale Committee has underlined probably the most pragmatic reason behind the low attendance, and the reluctance from Indian parents in sending their children to schools. This Memorandum is very significant in terms of stressing the concerns of the immigrant population and the limitations of the existing educational system in addressing those concerns, which resulted in lower attendance at school. Since the majority of the immigrant population was from the labouring

classes without much resources at

#### Reference 1034 - 0.01% Coverage

instead of educating more.<sup>286</sup>

These views of Trotter were shared by Manilal Doctor who also conceded to the fact that with some education, the youths would find it degrading to do manual work and eventually get into bad company and commit crimes.<sup>287</sup> However, this should not lead us to the conclusion that Manilal Doctor was against education for the children immigrant labourers per se. Basically his criticism was targeted at the particular kind of education which was provided for the Indians in Mauritius and in the same deposition he demanded for more schools for the children of Indian immigrants closer to the estates or on estates because of difficulties they were facing in traveling long distances (5 or 6 miles) to attend school. He also criticised learning two foreign languages, English and French, and demanded that apart from English which should be the principal language, students should be allowed to choose between French and an Indian language.<sup>288</sup>

Further, in Mauritius, education was always fee-paying till the 1880s, which worked as another very crucial deterrent to the spread of education. The colonial administrators always opined that education should always be paid for by the beneficiaries because only then would its importance would be realised. Instead of furthering its importance, the system of paying for education actually made it a premium service which became unattainable for the Indentured labourers who were

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#### Reference 1035 - 0.01% Coverage

##### Children and Lack of Education

The other important economic factor, but which had been propagated the most in the colonial authorities' blame game, for the absence of children of Diaspora was their productivity potential for an economically distressed community. From a very early age, the children of indentured labourers began to lend a helping hand to their families in plantation work by taking up work that was not so physically demanding. The work of children on the plantations, which was encouraged by the planters as well because it provided them relatively cheap labour, contributed significantly to the incomes of immigrant families and reduced the financial strain. Colonial authorities and planters were also responsible for institutionalising child labour, and therefore deprive children of educational opportunities. Education was not made compulsory and in fact, child labour was never institutionalised and approved in the labour regime. Children who were over 9 years of age were allowed to work and were paid 5 s wages and after four years of work. At the age of 13 only, their wages were increased to

8 s, which was the

#### Reference 1036 - 0.01% Coverage

18 years- above.<sup>289</sup> This

tempted parent to engage their children at a much early age, ever before reaching the age of 18 years. Also the labourers above the 12 years were provided full rations. This was well-defined institutionalisation and a blatant approval opportunities to get education.

of child labour which deprived children of the

But this logic was at

#### Reference 1037 - 0.01% Coverage

CHANGING ATTITUDES, DEMAND FOR EDUCATION

With the changing economic fortunes of the Indian labour diaspora, their attitude towards the education of their children also began

#### Reference 1038 - 0.01% Coverage

##### COMPARISONS WITH OTHER INDENTURED DESTINATIONS

While mentioning the development of education among the children of Indentured labourers in Mauritius, it may be worth bringing in some figures from other colonies which were importing the indentured labourers from India in order to bring in the comparative perspectives which will help to underline the general administrative apathy and low levels of education among the children of Indian immigrants in Mauritius. Surgeon Major Comin reported that in Trinidad about 19% of the total children were going to the school and in Demerara it was 20% of the total number of children among the immigrant community. For the Mauritius, as reported by Muir Mackenzie in 1893, only about 7% were going to school.<sup>297</sup>

An almost similar story appears

#### Reference 1039 - 0.01% Coverage

time) just to attend school.

Moreover, there was general disapproval among the planters towards the education of the children of labouring population, since it would lead to their exposure to other vocations and would make it difficult to obtain labour for the plantation work.<sup>305</sup>

##### 8. CLASS ANALYSIS OF THE

#### Reference 1040 - 0.01% Coverage

a Multicultural Society, MGI, Mauritius.

2. Kalla, C., A Review of the Schooling of Indian Labouring Class (1850-1900) in Mauritius, in Bissoondoyal, U., (ed.) Indians Overseas, The Mauritian Experience, MGI, Mauritius, 1984, pp.178-204.

3. Patrick, Beaton, Creoles and

#### Reference 1041 - 0.01% Coverage

##### 4: PART VII – INDENTURED IMMIGRATION

##### THE END OF THE INDENTURED LABOUR SYSTEM IN MAURITIUS

The question has often been asked: When did indentured immigration officially come to an end? This question can be answered in two ways: When did indenture come to an end legally? When did Indian labour immigration into Mauritius really end? The reason is that many labourers continued to arrive, even though the system of indenture had officially ended and these new non-indentured endured the same hardships as the indentured. Just as employers in the 1830s found it hard to adjust to 'free' indentured labourers as opposed to having slaves, they found it equally hard to distinguish between what was a 'free Indian' and an Indian who had come under the 'indentured' system. A life history of one family is also provided here as an example, but there are many others who also deserve to be known.

##### THE ROYAL COMMISSION OF 1909

#### Reference 1042 - 0.01% Coverage

the chairmanship of Lord Sanderson.

The Committee investigated the social and economic conditions of indentured workers who were sent from British India to work in the various overseas European colonies. During the course of the same year, the Sanderson Committee Report was published and it recommended that the exportation of indentured labour to British Mauritius cease. It partially based its recommendations upon the fact that between 1900 and 1909, there was a gradual decline in the number of new indentured immigrants who were being brought to Mauritius.

#### THE LAST INDENTURED WORKERS

The

#### Reference 1043 - 0.01% Coverage

Mauritius.

#### THE LAST INDENTURED WORKERS

The Mauritius Almanac of 1913 provides important statistics on the last decades of the indentured labour system in the colony. Between 1906 and 1910, more than 1,700 indentured labourers arrived in Mauritius, while more than 3,400 of them left. There were thus twice as many indentured immigrants leaving rather than arriving. In addition, during the 1910s, thousands of former Indian sugarcane workers left Mauritius for India or for other sugar colonies such as Natal, Guyana and Fiji.

Between 1923 and 1924, around 1,395 labourers landed in Port Louis harbour and in May 1924, the last batch of indentured workers set foot on Mauritian soil. Most of these labourers came from the United Provinces and they had already worked in other British territories such as British Guyana, Trinidad and Natal in South Africa. By December 1924, more than half of these Indian workers were not satisfied with their working conditions and opted to return to India.

#### MAHARAJ SINGH'S REPORT

In January

#### Reference 1044 - 0.01% Coverage

#### 4: PART VII – INDENTURED IMMIGRATION

of the Indian immigrants settled in Mauritius. The key question which he needed to answer was: Whether the colony still needed to import additional Indian labourers for the local sugar industry?

On 27th February 1925, Maharaj Singh submitted his report to the British Government of India. He stated that the Indian labourers and their descendants had achieved a lot in terms of social and economic progress and the indenture system should be terminated. A few weeks later, the British Colonial Authorities in India accepted his recommendation and indentured workers were no longer sent to Mauritius.

1 The bulk of this

#### Reference 1045 - 0.01% Coverage

F. Dick, 20th August 1838.

30 MNA:SA 30/16, Acting Governor John Power to Lord John Russell, 31st March 1840. 31 Minute of James Stephen, 3 August 1840, reproduced in Carter and D'Unienville, *Unshackling*, p.68. 32 MNA:RD 16, Police Report of Finiss to Colonial Secretary, 20th August 1838, Para. 37. 33 Report of the CEE, 15th December 1828, No.3, BPP, 1829, XXV (338), p. 29. 34 MNA:HA 73, Appendix G, No.163, No.8, Abstract of District Returns of Slaves, 1st February 1835 in Report of the Immigrant Labour Committee for 1844 & 1845. 35 MNA:RD 16, Police

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Agriculture, Emigration Branch, May 1893.

44 Muir-Mackenzie, J.W.P., Report on the Condition of Indian Immigrants in Mauritius, 1893. 45 MNA: RA 1127 Report of Mauritius Prison C'ttee, 2 October 1851. 46 MNA: RA 1264 Report of Mauritius Prison C'ttee, 20 July 1854. 47 Anson, Archibald E.H., *About Others and Myself*, London: Murray, 1920, pp. 248-249. 48 Report of Police Commission, 1872. Appendix H to the Report of Royal Commission, 1875. 49 Note on Emigration from India by J. Geoghegan, 1873, p. 88. 50 Cited in Muir-Mackenzie, J.W.P., Report on the Condition of Indian Immigrants in Mauritius, 1893. 51 Report of Secretary of State, 17 December, 1871, B1/B, MNA. 52 MNA: B1/B, Interim Report of the Commission appointed to Inquire into the Working of the Labour

Ordinance 31 of 1867.

53

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Labour

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53 Hay to Colonial Secretary, dt. 3 May 1855, PP Vol. XLII, No. 2050, p. 178. 54 PRO: CO 167/184 Gomm to Grey, dt. 3 July 1847 55 Report Rawson Committee. 56 Report of Royal Commission, 1875, p. 333. 57 Report of Royal Commission, 1875, p. 332. 58 MNA: Annual Report, Protector of Immigrants, 1862. 59 MNA: SD 93/338 Barkly to Duke of Buckingham, dt. 30 December 1867. 60 Ibid., enclosure 1. 61 PRO: CO 167/501, Report of J. Douglas, Acting Procureur and Advocate General. 62 Note on Emigration from India by J. Geoghegan, 1873, p. 88. 63 Report of Royal Commission, 1875, Chapter IX. 64 Report of Royal Commission, PP, Vol. XXXIV, No. C1115, 1875. 65 OIOC : Papers respecting East Indian Labourers Bill, pp. 219-220. 66 Green and Schmidt p. 250. 67 Article 26 of Ordinance 31 of 1867. 68 Article 169, Ordinance 12 of 1878. 69 Report of T. Hugon, dt. 29 July, 1839, PP, Vol. XXXVII, No. 331, 1840. 70 Green and Schmidt. 71 MNA: SA 76/794 Ordinance 16 of 1862, Encl., Newcastle to Stevenson, dt. 11 October 1862. 72 Report of R. Mitchell, dt. 21 July, 1874, cited in Tinker, Hugh, *A New System of Slavery*, p. 189. 73 Report of Royal Commission, 1875, Chapter XVII, pp. 284-329. 74 Articles 113, 114, Ordinance 12 of 1878. 75 Report of Sanderson Committee, 1910, Pt. III, p. 105. 76 Métagage was a form of share cropping in which large sugar estates were divided and leased mainly to the

former agricultural labourers, and it still employed a significant degree of immobility because métayers or cultivators were tied to the particular estate. Morcellement was a more open system in which the subdivided estates were sold to the old immigrants who used the land for cane cultivation as well as to grow vegetables etc.

77 Report of the Protector of Immigrants, 16 December 1871, CO 167/501, PRO. However, on the occasions, Protectors of Immigrant reported the exploitation or harassment of indentured labourers.

78 Geoghegan Report 1973, p



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93 Prog. No.12-16, Gen.(Emi.), December 1871, WBSA. 94 Report of Sanderson Committee 1910, Pt II, p. 103. 95 L/PJ/6/79, File No 1285/1882. OIOC 96 Gen./ Col. Emi./ File No 11. Proc No 3-4 B, February 1882, WBSA; L/PJ/6/79, File No 1285/1882. OIOC 97 L/PJ/6/79, File No 1585/1882. OIOC. 98 Report of H.N.D. Beyts dt 7 June 1869 in PP C.151/1870. 99 Report on the Condition of Indian Immigrants in Mauritius by J.W.P. Muir-Mackenzie 1893, p. 9. 100 Deposition of Manilal Doctor, Report of Royal Commission 1909, Pt II, Appendix B, pp. 157-165. 101 Ordinance and Proclamations, Government of Mauritius, 1912. NAI. 102 Ordinance 28 Of 1912, Ordinances and Proclamations 1912, Govt. Printing Press, Mauritius, 1913, NAI. 103 Ridley Report 1941, PRO. 104 Report of T. Hugon, Protector of Immigrants to Colonial Secretary, dt 31 May 1853. MNA. 105 Articles 8 and 9, Indian Marriage Ordinance 1856. 106 Ordinance 12 of 1870 in Report of Sanderson Committee Pt II. 107 Most notably by Rhoda Reddock. 108 Bri Lal, 'Kunti's cry: Indentured women on Fiji's plantations', Indian Economic and Social Review, 22, 1. 109 Indian Marriage Ordinance, 1856. 110 Ordinance and Proclamations, Government of Mauritius, 1912. NAI 111 Pitcher Report, Muir Mackenzie Report, Report of Royal Commission; Carter, Servants, p. 247. 112 Benedict, Burton, 'Caste in Mauritius', p. 29; Carter, Servants, pp.258-59. 113 Benedict, Indians in a Plural Society, pp. 92-108. 114 Carter, Servants, p. 246. 115 Pitcher Report, Chapter 3. 116 Ibid. 117 Tinker, p. 140. 118 Brij Lal, Girit, History, Memory, p. 15. 119 The Aapravasi Ghat Trust Fund conducted some 400 interviews of 'descendants' of indentured labourers. These interviews were donated to the Truth and Justice Commission to facilitate analysis. 120 MNA:B2/IR Report of Mitchell on Wolmar estate/1872 121 MNA:B2/ Blue Book 1870. 122 Ordinance 1908 - The Labour Law Amendment Ordinance. 123 Marina Carter, Servants, Sirdars and Settlers, Indians in Mauritius, p. 252. 124 MNA: B2/PIR/1870. 125 Ibid. 126 MNA: PB series 14 Letters sent - Superintendent Powder Mills. 127 MNA:PB series 14 Letters sent, p. 79 No. 10. 128 Carter et al, The last slaves, p. 89. 129 MNA: RA series 1847 Letters received from the Orphan Asylum, No. 439. 130 MNA: Blue Book 1864. 131 MNA: RA series 2300 Letters received from the Orphan Asylum, No. 860. 132 Ibid. 133 MNA:RA series 1847 Letters received from the Orphan Asylum/No. 2712. 134 MNA:B2/PIR/1876. 135 MNA: B2/Blue Book 1864. 136 MNA: RA series 1847 Letters received from OA, No. 3250. 137 MNA: RA series 2041 Letters received from the Orphan Asylum. 138 MNA: B2/pir/1876. 139 Lynn Pann, The Encyclopedia of the Chinese Overseas Second Edition (Chinese Heritage Centre, Editions Didier Millet, 2006), p. 48. 140 Kuhn Philip. A, Chinese

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until today.

Particular care was

taken to be able to implement the mandate and, in particular the objects, of the Truth and Justice Commission as defined in Section 3(1) of the Act. A political economy approach was adopted so that due consideration may be given to the contribution of those who matter most: the enslaved peoples, indentured labour and their descendants.

Slavery and the indentured labour system in Mauritius were developed and sustained by Colonial Powers: the Dutch, the French and the British. Profit brought the first colonisers to Mauritius and has dominated life ever since.<sup>1</sup> There has been a striking continuity underlying the process of colonisation by each of the colonial powers: on the one hand, the development of specific economic and social structures and, on the other hand, economic exploitation and social oppression and exclusion. A rigid class and racial hierarchy was established.

A turning point was reached in the 1830s with the legal abolition of slavery and the importation of indentured labour from British India. Not only the trauma of slavery, but also the harsh conditions of

apprenticeship and of abolition contributed to the leaving of sugar estates by ex-enslaved people. They were paid very low wages based on those of indentured labour and they lost the housing facilities and the land which they had been cultivating for decades. They could not reconcile their newly-acquired 'legal' freedom with their loss of basic necessities like land and housing. They were excluded from the new Capitalist System, and most of them earned a meagre living by fishing with primitive equipment and by working as stevedores, drivers and artisans. Many were somewhat permanently unemployed, forming a lumpen proletariat living on the margin of the plantation (sugar) economy.<sup>2</sup>

Moreover, the subservience of the economy to the British Colonial Empire with (amongst others) its free trade policy and adoption of the cheap labour policy and the frequent economic depressions in the international economy and in Mauritius led to a growing lumpenproletariat, together with unemployed ex-indentured labourers. Under such circumstances, other sectors of the economy would progressively come under the fold of very cheap labour, excluding those used to working for somewhat higher wages. Unemployment and poverty were very much prevalent by the last third of the nineteenth century and in the major part of the twentieth century.

The plantocracy kept on pressing for the importation of indentured labour to sustain its cheap labour policy, creating further unemployment and poverty. And the Colonial State caused further impoverishment of the labouring classes and the poor by levying heavy taxes on them. And the Royal Commission of Enquiry of 1909 essentially recommended measures in favour of the plantocracy, with hardly any for the labouring classes and the poor.

By then, the internal dynamics of the economic system, through the need to modernise the Sugar Industry to face international competition, created the conditions for the parcellisation of land. In the process, those excluded from the plantation economy did not, and could hardly, become buyers. On the other hand, those mainly from the ex-indentured labourers, the job contractors, the sirdars, the traders, the middlemen would become small landowners. A new social class of small and medium planters was born and a new business community and elite was in the making. The emergence of this new social class did not fundamentally have a major impact on the prevailing large lumpenproletariat and generally on the poor. The overall social structure would prevail, except with this new transformation: the plantocracy and the Colonial State would continue to be the supreme powers.

Another major turning point in the historical development of Mauritius was the unparalleled resistance of the labouring classes (especially in the 1930s and 1940s) to the oppressive and

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##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

exploitative system: the strikes and marches of the labourers and small planters of 1937, the strike of the dockers and labourers of 1938 and the strikes and marches of the labourers in 1943. Preceding these events, the Mauritius Labour Party was founded in 1936 by Dr. Maurice Curé, assisted soon afterwards by Emmanuel Anquetil. The Colonial State would react with a mix of approaches: repression, divide and rule tactics and accommodation.

On the societal level, a

#### Reference 1062 - 0.01% Coverage

controlled by the new bourgeoisie.

Depending on the prevalence of economic boom or depression, the labouring classes face alternate conditions of relative well-being or very hard times. Unemployment and poverty, admittedly on smaller scale than in the 1960s, are prevalent, so much so that social exclusion has not been eradicated. On the contrary, with ultra liberal economic policies and the international economic crisis, inequality is on the increase; factory closures are more frequent and poverty and social exclusion are still entrenched in Mauritian society.

Colonialism, together with slavery and indentured labour, has had consequences of a systemic nature. The policies of the post-Independence era have, only to a limited extent, succeeded in mitigating these consequences. But still, cheap labour policy has been adhered to; in new sectors, like BPO, and in new privatised services, like cleaning, working conditions are awful and, in the latter case, very low wages (about Rs. 3500) prevail. No doubt, improvements have been made in the economic and social fields. But the old capitalist system, reformed to a certain extent, still prevails with its obvious limitations like acute material disparity between the social classes, social exclusion, corruption and poverty.

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scale both domestically and industrially.

The economies of the new colonies in America, in the West Indies and in Asia were emphatically given an export orientation to satisfy the demand and the needs of European countries. To achieve this, the prevailing economic system in the colonies was sometimes destroyed and made subservient to the needs of the Colonial Powers; the cost of production was minimized with coerced labour and, later, with abundant, cheap labour, amongst other things.

indigenous populations, and different forms of indentured white labour were initially used, leading to the near extermination of the local people, as in the case of the Amerindians. Ultimately, the enslavement of mainly African peoples and, to a lesser extent, of the Asian peoples, would turn out to be the means to ensure a regular source of abundant coerced labour and later of cheap contractual labour.

Commercial outlets and commercial supremacy led to industrial supremacy and vice versa. The various European Colonial Powers then engaged in an intense competition for markets for their industrial produce, for labour and land for their export-oriented industries in the colonies, and for the control of sea routes to reach their destinations.

This intense intercolonial rivalry led

#### Reference 1064 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

other hand, East Africa and Madagascar, together with some Asian Countries, like India and the Malay Peninsula, provided sources of slave labour.

##### 1.3 The Dutch in

#### Reference 1065 - 0.01% Coverage

brought in cattle and poultry.

For all the tasks mentioned above, there was a need for hardworking manual workers: woodcutters and labourers in particular. Whilst the Dutch brought some workers with them, they resorted to the slave trade



with Madagascar and brought slaves to Mauritius. Additionally, trade with Madagascar in cattle, rice and beans was carried out.

Thus, the Dutch would start a set of historical processes which would dominate the history of Mauritius: the introduction of the sugar cane, the production of a liquor, arrack, from sugar cane, using slaves from Madagascar as labour, developing trade between Madagascar and Mauritius, using Mauritius as a 'key' of the Indian Ocean, in Holland's rivalry with Portugal for trade with Asia, and using Mauritius as a port of call for its ships.

Finally, in spite of itself

#### Reference 1066 - 0.01% Coverage

that country made them leave.

Moreover, by the 18th and 19th centuries, the French would be the main European power involved in the slave trade in the Western part of the Indian Ocean and in India in order to provide slave labour to the emerging plantation economies of Bourbon and Mauritius.

But, with the weakening of

#### Reference 1067 - 0.01% Coverage

and the Caribbean Islands etc.

The colonists or new settlers brought with them European indentured labour to work on the plantations or to practise their badly-needed specialized craftsmanship (carpenter, tinsmith, etc.). These workers had a contract of between four and ten years and were paid wages. The driving force of the emerging industrial bourgeoisie in Britain towards colonising North America was the pursuit of profit; Lawrence James wrote: "The pursuit of profit remained the most powerful driving force behind Britain's bid for North American colonies."<sup>5</sup> At that time, the settlers were accompanied by priests who would reassure the colonists that "God intended that the land, usurped by unreasonable people (i.e. the natives), be redeemed by British settlement."<sup>6</sup>

Intercolonial rivalry was rife in

#### Reference 1068 - 0.01% Coverage

the tobacco to European countries.

Labour supply was a major issue. The Amerindians could never be roped into the colonists' plan. Indentured white workers and convict labour from Britain, Ireland and Scotland were imported. In North America, very cold winters, on the one hand, and the prevalence of malaria, on the other, made matters worse. In the Caribbean Islands, very quickly, the British business community found out that indentured British labourers were not capable of satisfying the demand for sugar cane cultivation in the tropics.

In particular, the planters, driven

#### Reference 1069 - 0.01% Coverage

as a motive, wanted to

maximize their investment in labour and wanted to recoup their costs of the transport of labour as quickly as possible, by making the labourers work very hard. The news of such a state of affairs filtered through to prospective workers back to Britain, so much so that labour shortage became somewhat permanent by the mid 17th century. For some time, convict labour from Britain provided short-term relief, but this measure was not sustainable.

Then, the solution to what appeared as the insoluble problem of labour shortage was found: coerced African unpaid slave labour! Gradually, the enslaved African peoples would replace European indentured white labour.

Various Colonial European Powers created colonial plantation economies/ societies producing one or two commodities like sugar, cotton, tobacco, coffee etc., with coerced, unwaged African enslaved people as labour. All those plantation economies were very much labour intensive; thus, millions of African enslaved people to be used as unwaged labour were transported to the Americas and the Caribbean. It was the triumph of the 'most powerful driving force' of colonization, that of the pursuit of profit.

The British plantocracy was enriched

#### Reference 1070 - 0.01% Coverage

1776, Adam Smith's book The

Wealth of Nations was published. Up to a point, it would influence the thinking of the political elite in Britain and that of the British Government, especially with respect to slave labour and free trade.

The defeat of British Colonialism

#### Reference 1071 - 0.01% Coverage

took on almost planetary proportions.

The third wave of British Colonialism reflected changes happening in the industrial and financial developments of the European Colonial Powers. Raw materials, labour and land became more and more important, leading to a scramble for Africa.

1.6 Concluding Remarks

The

#### Reference 1072 - 0.01% Coverage

by industrial and financial capitalism.

Slave labour and indentured labour are labour systems developed and nurtured by the various European Colonial Powers. Plantation economies and societies would emerge where the economies of the colonies, and, in particular, of colonized islands like Mauritius would be tailor-made to satisfy the sustained pursuit of profit, the accumulation of capital and in the process, satisfy the demands/needs of the commodity markets of the European Colonial Powers.

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#### Reference 1073 - 0.01% Coverage

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Any thorough study of slavery, i.e., the system of coerced labour of enslaved peoples, can only be done in the context of the study of Colonialism and its ramifications. The coerced unwaged labour of the enslaved people, with its initial very high death-rate, ensured the 'optimal' minimization of the costs of the production of the planters and various related companies from Europe and, as a consequence, the maximization of profits. Moreover, following the resistance of the enslaved people, the publication of Adam Smith's *Wealth of Nations* in 1776, the defeat of Britain in the American War of Independence, and the interests of the East India Company in India and Asia, slave trade and, later slavery, would be abolished in most of the British Empire, much later, in 1835.

But the plantocracy needed labour and, where necessary, it looked elsewhere for cheap labour. Thus, cheap indentured labour on a massive scale progressively replaced the labour of the enslaved people to secure, if not to perpetuate, the maximisation of profits and capital accumulation, and all the related financial/business interests of the Colonial Powers and, sometimes of new emerging interests from among the colonized peoples.

What should not be overlooked is that the various economic and labour systems were developed to satisfy the needs of emerging classes of people and the States in Europe: initially, a mercantile bourgeoisie, then an industrial and financial bourgeoisie from the Colonial Powers, and, obviously, of the plantocracy in the island-colonies. Thus, Auguste Toussaint wrote:

"The mercantile bourgeoisie had had

#### Reference 1074 - 0.01% Coverage

of the Industrial Revolution."<sup>7</sup>

Slave labour came from Africa and Asia, especially India and the Malay peninsula. As for indentured labour in the 19th century, Britain made good use of the reservoirs of cheap labour in its new colonies/semi-colonies: India and China. Auguste Toussaint would emphatically point out that, following the abolition of slavery:

"The solution then was to turn to those vast reservoirs of cheap labour, India and China."<sup>8</sup>

Thus for Mauritius, to understand the slave system and indenture labour system, the role played by French and British Colonialisms is of paramount importance.

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#### Reference 1075 - 0.01% Coverage

France, including 34 slaves 9.

Moreover, by 1726, there were land grants: the upper classes (i.e. l'état major de l'île) obtained 312 arpents known as 'grande concession', whilst soldiers and workers obtained 15610 known as 'petite concession'. The owners had to pay various taxes to the Government; this level of taxation and scarcity of labour caused many soldiers and workers to leave Ile de France.

Whilst Ile de

France and

#### Reference 1076 - 0.01% Coverage

Sugar Industry, to some extent.

To be able to carry out these policies, Labourdonnais brought in labour, both free skilled labour from India and slaves from Africa, Madagascar and India. Some aspects of conditions of the enslaved people and other section of the labouring class are dealt with in Section 2.3.

The slave population grew steadily in size during the 18th century, from 2,533 in 1746, to 15,027 in 1767, to 33,832 in 1787, to 60,646 in 1806, to reach 63,821 by 1810, prior to the British conquest.<sup>12</sup> Their occupations consisted of agricultural labourers, household servants, fishermen, artisans, dock workers and sailors. The enslaved people faced a harsh regime. So much so, that the engineer Charpentier-Cossigny in 1753 wrote that "the company was hiring slaves, then starving them to death".<sup>13</sup> Just like Labourdonnais before him, Charpentier-Cossigny provided some form of apprenticeship to slave labour. According to him, "for every skilled slave in an 'atelier', there were another ten or so manual labourers performing the essential backbreaking tasks of breaking and carrying stones, digging trenches, loading and unloading ships, building roads". This 'vast army' of Government slaves included many women.<sup>14</sup>

On the other hand, most

#### Reference 1077 - 0.01% Coverage

scale owners, it was also

There was an obvious need for labour, and slaves were And by 1735, according to Labourdonnais, there was a population of Truth and Justice Commission 294

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#### Reference 1078 - 0.01% Coverage

##### 4 The Need for Capital

Besides the need for an abundant labour supply, another critical factor was the availability of capital. According to Allen, the foundations of Mauritian domestic capital formation were laid during last third of the 18th

century, when the island flourished

#### Reference 1079 - 0.01% Coverage

landownership by the Coloured Population.

##### 2.3 Labour Systems 2.3.1

##### Slave Labour

The predominant form of labour during the French colonial period was the labour of enslaved peoples who were brought mainly from Madagascar, East Africa, Mozambique and India. enslaved peoples were chattel labour, considered as the private property of their owners. Code Noir was proclaimed on the 18th September 1724 in the form of Lettres Patentes.

The The

Truth and Justice

#### Reference 1080 - 0.01% Coverage

Bourbon commence aussi à s'établir [...]"

A clear allusion to the exploit economically the enslaved people is included. The Code Noir was meant to ensure that the enslaved people remained as coerced, unwaged labour and to ensure their labour power could be reproduced to sustain the slave system. Thus, they did not have the right to own property, as Article 21 stipulated:

"Déclarons les esclaves ne pouvoir

#### Reference 1081 - 0.01% Coverage

a population of 59,000.

##### 2.3.2 Indentured Labour

For colonies to survive, there was a need for labour across the world. Whilst slave labour was the predominant form of labour, there were also indentured workers from both France and India. From 1727 to 1740, 237 French workers as 'engagés' were brought from France.<sup>30</sup> From India, skilled workers were brought to build Port Louis harbour and to carry out various construction projects.

##### 2.3.3 Other Forms of Labour

As trade between French colonial Power with China developed, there was a tendency for the French to bring Chinese labour by force, or otherwise, to Ile de France to cater for different types of occupations, just as they used their 'comptoirs' in India to transport Indian slaves and skilled workers to Ile de France.

As early as 1761, during

#### Reference 1082 - 0.01% Coverage

to their request for repatriation.

Later in 1783, during the rule of the French Royal Government, with the policy of free trade, ships of different nationalities traded with Ile de France, which also involved the transportation of labour. L. Dermigny mentioned that more than three thousand Chinese were transported by English, French and Danish ships to Ile de France.<sup>32</sup> In particular, in a vessel belonging to M. d'Arifat, he transported 132 men, including shoemakers, blacksmiths, tailors and carpenters.

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#### Reference 1083 - 0.01% Coverage

colonial power of the time.

The impact on labour, demography and the economy of Mauritius was considerable and has had consequences to this day.

French colonialism depended on slave labour as the dominant form of labour, looking eagerly for skilled labour in India, China and France. That labour started clearing the forests, developing sugar cultivation and contributing to the development of Port Louis and Mauritius in general. Even today, due recognition is not given to this contribution.

However, just like the Dutch

#### Reference 1084 - 0.01% Coverage

the situation.

alarming rate.”<sup>33</sup>

Mauritius was set to follow the pattern of ‘development/underdevelopment’ imposed by both the Dutch and French colonialism: trade, profits and capital accumulation, economic exploitation of labour and environmental degradation.

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#### Reference 1085 - 0.01% Coverage

375 metric tons in 1860.

This economic transformation could only take place if, on top of the availability of the British market, certain conditions could be met; there had to be a compliant labour force in sufficient numbers, sufficient capital, appropriate development of infrastructures,

close collaboration

between the State

#### Reference 1086 - 0.01% Coverage

the latter provided financial support.

Having emphasized so far the implicit role of the plantocracy in developing sugar cane cultivation and sugar production, we should now consider the direct contribution of a key partner in the creation of wealth: labour. Thereafter, we shall consider the contribution of investors in bringing the capital necessary and the role of the Colonial State.

#### 3.2.2 Value of Slave Labour (1823-1835) 3.2.2.1 Introduction

The aim of this section is to investigate the characteristics of slave labour based on occupation, gender and age, and model the determinants of slave prices between 1823 and 1835. We construct a unique data set from Notarial Acts on public slave auctions in Mauritius involving 5,580 slaves during that period.

characteristics.

Firstly, we model price

#### Reference 1087 - 0.01% Coverage

in relation to the sugar

cane harvest season. Thirdly, we compute an estimated value of slave labour, using slave prices between 1823 and 1835. We take into account how the probability of the abolition of slavery may have impacted on slave prices, and hence on the value of slave labour. This may indicate whether slave-owners would alter slave prices or not in the event that slavery were abolished or might think that they would be compensated. Our results reveal significant variations in slave prices across occupation, age and gender, such that young males who are skilled are more likely to fetch higher prices. We note a gender disparity in slave prices where males are priced higher than females. In

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comparison, the prices of older and unskilled slaves are also much lower. Lastly, we note that the value of slave labour varies significantly with sugar production and the price of sugar.

observed that a rise in the price of sugar led to a two-fold increase in the value of slave labour. 3.2.2.2 Methodological Framework

The foundation for measuring the value of slave labour is the application of a political-economic model of asset-pricing<sup>39</sup> in which we assume that the value of slave labor

is determined by  
traditional economic

#### Reference 1089 - 0.01% Coverage

of slaves should also rise.

The standard model of asset-pricing is based on present value calculation. The asset-pricing model asserts that the value of any slave depends on the discounted present value of the annual net income, plus any capital appreciation (depreciation) expected over the life of the slave. The most obvious return from owning a slave was the income gained each year from the slave as a productive labourer. This includes the following:

i. ii.

The physical output

#### Reference 1090 - 0.01% Coverage

those returns over time.<sup>40</sup>

The model<sup>41</sup> captures the potential sources of variation in the present value of slave-ownership that one would expect to observe. The easiest, in economic terms, are the 'price of output' and 'marginal product of labour' variables. If the price of sugar, or the productivity of slaves working in sugar, rises, then the price of slaves is expected to rise also. The time rate of discount represents the opportunity cost of the labour tied up in labour assets.

The interesting feature of the

#### Reference 1091 - 0.01% Coverage

their slave would also shift.

A rational slave-labour exceeded the price at which slaves could be purchased at auction.

model, the price of emancipation

#### Reference 1092 - 0.01% Coverage

##### 3.2.2.5 Methodology

We investigate the characteristics of slave labour based on occupation, gender and age and model the determinants of slave prices between 1825 and 1835. We construct a unique data set from Notarial Acts on public slave auctions in Mauritius, involving 5,580 slaves during that period.

The microeconomic model of slave

#### Reference 1093 - 0.01% Coverage

The model considers that slave

prices may be sensitive to changes in the value of the goods (that is sugar) that they produced. This occurred because slave-owners expected to be able to expropriate the earnings from their slaves' labour for a longer period of time. Third, we test whether there was a change in attitudes about slavery over time. We specifically account for whether there was a change in expectations among planters about the long-run viability about slavery, and account for the "regime shift" during the periods 1810 and mid-1830s in the process that determined slave prices.

The Mincerian pricing model is

#### Reference 1094 - 0.01% Coverage

origin; 0 otherwise

ii. Occupation

iii. We include different types of occupation, namely pioche (labourer), manoeuvre (trainee mason), cuisinier (cook), maçon (mason), gardien (watchman), commandeur (overseer), charpentier (carpenter), charretier (carter), blanchisseur (laundress), calfat (caulker- factory work), cloutier (nail maker-factory work), cordonnier (shoe maker), forgeron (blacksmith), gardien de troupeaux (cattle keeper), matelot (sailor), menuisier, natteuse (mat maker), palfrenier (stable boy), pêcheur (fisherman), scieur (sawyer), and sucrier (sugar maker), among others.

iv. v.

The occupations were

#### Reference 1095 - 0.01% Coverage

9 per cent figure by

Kotlikoff, (1979) for Southern US and Newland and Segunda, (1996)<sup>48</sup> for Peru, but smaller than the premium of 25 per cent estimated by Chenny, St-Amour and Vencatachellum (2003)<sup>49</sup> for Mauritius. In fact, there was a strong demand for male slave labour which probably resulted from the demand for physical force in sugar cane plantations.

Indeed, this is confirmed by

#### Reference 1096 - 0.01% Coverage

the small island plantation economy.

(ii) Value of slave Labour

From the above, market prices for slaves reflect their substantial economic value. The prices for slave reflected two economic factors, namely the characteristics of the slave and the conditions of slavery such as age, sex, physical condition and skill level. A rational individual would then buy a slave, if the expected present value of slave-labour exceeded the price at which slaves can be purchased at auction.

We use data on sugar production, sugar prices and number of slaves from 1823-1835. Table 3.6 below presents the data used in the computation of the net present value of slave labour in Mauritius.

Year 1823 1826 1830 1835



#### Reference 1097 - 0.01% Coverage

6 27.0 37.4

Source: Computed We first use equation (2) above to calculate the net present value of slave labour. Second, we estimate equation (5) which is an elaborated model of value of slave labour, taking into consideration the risk of the abolition of slavery. about the persistence of the

#### Reference 1098 - 0.01% Coverage

of abolition needs to be considered as this will affect the value of the entire future income stream. The possibility of slave revolts in groups, or escapes, either of which were likely to make the slave unavailable for service, would affect the value of slave labour. If an individual changed his

#### Reference 1099 - 0.01% Coverage

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Our computation results are described in Table 7. Table 7 Computation of Value of Slave Labour (Useful Life of the Slave – 10 years)  
Discount Rate - 10% £  
1823-1825

#### Reference 1100 - 0.01% Coverage

59 68.32 45.60

Computation of Value of Slave Labour (Useful Life of the Slave – 20 years)  
Discount Rate - 10% £  
1823-1825

#### Reference 1101 - 0.01% Coverage

73 15.84

Source: Computed

We use different discount rates for simulation purposes to capture the variation in the value of slave labour over the different periods. We note that during 1823-1825, the average value of slave labour (whose expected useful life is 10 years) was in the range of £12 to £24 (around \$60 to \$120) under the different discount rates.

From 1826 to 1830, which

#### Reference 1102 - 0.01% Coverage

the peak period for sugar

production and sugar prices, the average value of labour nearly tripled in the range of £35 to £68. In fact, the correlation between sugar production and value of slave labour is very significant as a change in sugar output is translated into an almost two-fold change in the average value of slave labour. This 2:1 relationship is further confirmed with our above analysis on slave prices based on the Mincerian framework. The output elasticity from Tables 4 and 5 which is in the range of 0.163 to 0.175 further confirms this robust relationship between sugar output and value of slave labour. We further compute the average value of slave labour for those workers whose expected useful life is assumed to be 20 years. The value falls over the years with the age of the slave. A similar link is noted between age and price of slave in the auction sale.

Value of Slave Labour with the Risk of the Abolition of Slavery

Suppose the probability of escape is actually 0.001 in any given year and that the probability of emancipation is 0.001 and assume that the slave is expected to have a useful life of 10 to 20 years (similar simulation made by Grynaviski and Munger, 2003)<sup>62</sup>, the value of slave labour will change. The computation is presented in Tables 9 and 10 below.

Table 8 Computation of Value of Slave Labour (Useful Life of the Slave – 10 years)

Probability of Abolition

1823-1825

#### Reference 1103 - 0.01% Coverage

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Table 9 Computation of Value of Slave Labour (Useful Life of the Slave – 20 years)

Probability of Abolition

1823-1825

#### Reference 1104 - 0.01% Coverage

11 8.75

Source: Computed

From the above, a low probability of abolition and emancipation would not affect the value of labour significantly. However, it may have been the case that, prior to the middle 1830s, it was widely believed that slavery would eventually not come to an end. After the mid-1830s, if our interpretation of the history is correct, there was little doubt that the slave regime would persist indefinitely. In terms of the model,  $P_{em}$  would be greater in the late 1820s. This, in turn, would imply that, *ceteris paribus*, the expected present value would increase. On the other hand, if abolition seemed unlikely, then  $P_{em}$  would have remained essentially constant over time with, *ceteris paribus*, no change in the expected present value.

Aggregate Value of Slave Labour vs. Aggregate Value of Sugar Output

From Table 10 below, we note that aggregate value of slave labour is much more than the value of sugar output. From 1826 to 1830, it can be observed that the total value of slave labour is twice as much as total value of sugar output in the economy. It is to be noted that any possible change in the value of the pound sterling during the period under study has not been taken into account.

Table 10 Computation of Aggregate Value of Slave Labour

1823-1825 1826-1830

1831

#### Reference 1105 - 0.01% Coverage

68

£ 31.15

Aggregate Value  
of Slave Labour

£1,039,740 £ 8.19

#### Reference 1106 - 0.01% Coverage

##### 2.2.7 Concluding Remarks

This section had analysed the characteristics and price variation of slave labour in Mauritius from 1823 to 1835. We have constructed a unique data set from Notarial Acts on public slave auctions in Mauritius involving 5,580 slaves during that period. The microeconomic model of slave prices has allowed us firstly to capture price variation in relation to slave's characteristics and also sugar production in Mauritius. Second, we have estimated whether slave prices varied much in relation

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#### Reference 1107 - 0.01% Coverage

7% (Useful Life 20 years)

Aggregate Value Of Slave Labour

£528,255

£1,498,32

#### Reference 1108 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

to the sugar cane harvest season. The model has considered that slave prices may have been sensitive to changes in the value of the goods (i.e. sugar) that they produced. This occurred because slave owners expected to be able to expropriate the earnings from their slaves' labour for a longer period of time. Third, we tested whether there was a change in attitudes about slavery over time.

Our findings reveal that there is a concave age-price profile and a significant price bias in favour of male slaves relative to their female counterparts. In fact, the strong demand for male slave labour which probably resulted from the demand for physical force in sugar cane plantations led to this gender price disparity. Furthermore, handicapped or invalid slaves were likely to fetch lower prices. The ethnicity dummy variable also shows that non-native slaves were sold at a lower price. Creole slaves had the advantage of being better adapted to conditions in Mauritius and less subject to illness and maroonage and were subsequently sold a relatively higher price.

With respect to  
occupation, we

#### Reference 1109 - 0.01% Coverage

slavery, after 1830, caused a decline in slave prices in the small plantation economy. 3.3 Labour Systems 3.3.1 Introduction  
As in the period

#### Reference 1110 - 0.01% Coverage

Systems 3.3.1

Introduction

As in the period of French colonization, colonies cannot survive without labour, and in particular without coercible, unwaged labour in the period of British colonisation from 1810 to 1839.

Moreover, there were several 'types' of labour: free labour (including that from the French period), unwaged coercible labour of the enslaved peoples of Africa, Madagascar and India, and the equally unwaged coercible labour of the convicts from British India. And lastly

#### Reference 1111 - 0.01% Coverage

lastly, in an attempt to

compensate for a lack of labour on sugar estates following Emancipation, the last type of labour introduced was indentured labour, mainly from India. The unwaged coercible labour of the enslaved peoples was the driving force in wealth creation during the dramatic transformation in sugar production in this period.

3.3.2 Labour of the enslaved peoples

The institution of slavery ensured that there was, on the one hand, a compliant, unwaged coercible labour to carry out all tasks required by labourers, factory workers, domestic servants and various skilled workers. On the other hand, there was a repressive legal apparatus, the Code Noir amongst others, to make sure that labour was indeed 'compliant'. Furthermore, the Code Noir dealt with various social matters such as the family of enslaved peoples which prevented consolidation of the community of the enslaved peoples.

We are not going to

#### Reference 1112 - 0.01% Coverage

supply and an 'unrelenting discipline'.

We shall, instead, highlight the fact that slavery was a system that involved the most extreme form of economic exploitation. The propaganda, value systems, belief systems and sometimes ignorance of the plantocracy, of the Colonial Society, in general, have permeated the psychology and thinking of people in even the 21st century; it is believed, in some quarters, that the labour of enslaved peoples can be conveniently ignored. capital!

Everything has been achieved by

#### Reference 1113 - 0.01% Coverage

by the colonists and their

In section 3.2.2, we have estimated the value of the labour of enslaved peoples during the period 1823-1835, since it is agreed that the plantation economy then developed in Mauritius and, of course, slavery was 'officially abolished' on the 1st February, 1835.

### 3.3.3 Convict Labour

With Mauritius becoming a Crown Colony in 1815, the Sugar Industry had a major boost as Mauritius had access to the British market. Moreover, the dominant form of labour was that of the enslaved peoples; with the abolition of the slave trade, there was an urgent need for labour, although admittedly illegal slave trade flourished until around 1827, with some estimating that up to 30,000 enslaved individuals were illegally transported to Mauritius.

The first Governor of Mauritius, Robert Farquhar, was very much aware of the utility of Indian convicts in public works projects and in private enterprise, since he was Lieutenant Governor of Penang, an established destination for Indian convicts. Usually, in Mauritius slaves were used in public works. Further, the planters had to provide the Government with a certain number of slaves as "Corvée" labour every year.

There was thus a major issue of labour supply and Governor Farquhar found in the importation of Indian convict labour an opportunity to increase the workforce and, at the same time, to reduce labour costs.

Convict labour needed only some rations for upkeep, as prisoners were already

housed in prisons and there was no need to cater for further housing. As Clare Anderson wrote: "Convicts were cheap, controllable and easily replaced".<sup>65</sup> Their labour played a most important role "in building the communications necessary for the development of the sugar industry which was to place Mauritius at the centre of global trading networks."<sup>66</sup>

Thus, from 1815 to 1837

### Reference 1114 - 0.01% Coverage

would progressively decrease through deaths.

With time, the convicts were becoming old and invariably less productive. Furthermore, by 1834, the importation of indentured labourers from India started. It was felt that the convicts might have a negative influence on the newly-arrived indentured labourers. Thus in 1839, it was decided that there would be no more transportation of convicts.

In fact, in 1847, a

### Reference 1115 - 0.01% Coverage

Committee reached the conclusion that:

- (i) "The cost of the maintenance of each effective labourer, after allowing for the ineffective, is as great as that of hired labourers"; and
- (ii) "Free" labourers from India, introduced expressly for the purpose of working on public work contracts, would be as cheap and effective as convict labour.

The major importance of convicts in the expansion of the Sugar Industry labour is highlighted by the fact that, in 1837 and in 1839, there were requests to reinstitute convict labour, because considerable savings would be made through their use in repairing roads and bridges which were

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## THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

deteriorating. With the expansion of the Sugar Industry, the network became of vital importance for the transportation of sugar cane and sugar. As in the case of the ex-slaves, the convicts would be done away with, once an alternative source of cheaper labour had been found: indentured labour.

### 3.3.4 Indentured labour

With the abolition of the Slave Trade in 1807 in the British Empire, there would progressively be a problem of labour availability to sustain the various plantation economies in the Caribbean and in the Indian Ocean. In the Caribbean, with the increasing occurrence of slave rebellions, the matter was still worse.

With that in mind, Robert Farquhar, who had experience in the Moluccas Islands and experience as Governor of Penang as from 1802, had witnessed the presence of Chinese immigrants and, in particular, of Chinese labour in these British possessions.

In 1807, he wrote to

#### Reference 1117 - 0.01% Coverage

he wrote to the British

Government a document entitled 'Suggestions arising from the abolition of African Slave trade for supplying the demands of the West Indian colonies with agricultural labourers', whereby he proposed "a plan for the introduction of Chinese labourers, already so successfully employed in the British settlements in the Eastern seas, into the British colonies in the West Indies".<sup>68</sup> But the plan was not accepted because it was claimed that there were practical problems in its implementation. Moreover, this episode indicated already that the abolition of the slave trade was creating serious labour problems for the various plantation economies/societies in the British Empire. There is no doubt that, with the proposed abolition of slavery, the labour problem would become very acute, indeed. Certainly, for Mauritius, the planters were exploring, well before the enacting of the corresponding Legislation, alternatives ways to supply labour. The issue was on the agenda of the British Government.

In 1827, A. D'Epinay was

#### Reference 1118 - 0.01% Coverage

first planter who recruited and

employed contractual Indian labourers. H. Ly Tio Fane-Pineo, in her work *Lured away – The life history of Indian Cane Workers in Mauritius* and R. Quenette in his book *La fin d'une Légende* referred to this.

In 1829, there were attempts to recruit indentured labour by planters from Singapore and India, without the involvement of the Government.

On their arrival in Port

#### Reference 1119 - 0.01% Coverage

Port Louis, they were sent

straightaway to the sugar estates of the planters who recruited them. According to H. Ly Tio Fane Pineo, the labourers felt cheated because they had a meager salary and were assimilated to slaves. The labourers protested openly against their working conditions and left the cane fields.

The

Government had no alternative

#### Reference 1120 - 0.01% Coverage

left the cane fields.

The

Government had no alternative but to repatriate these labourers; moreover, the planters had to cover the costs involved.

Following this experiment, the planters sought and obtained the participation of the Government in the recruitment of indentured labourers from British India; the contracts would be signed before a Magistrate by the parties concerned. That would ensure that especially the indentured labourers would abide by the terms of the contract and, in particular, that the labourers did not change the sugar estate owner who engaged them in the first instance.

In the end, British planters, Arbuthnot and Hunter, recruited 36 'Hill coolies' who landed in Mauritius on the 2nd November, 1834. And by 1842, there were 26,090 indentured labourers from British India, with 25,076 males and 1,014 females.

This recruitment was made possible

#### Reference 1121 - 0.01% Coverage

type of prospective 'Hill coolies'.

business of labour recruitment would develop both in British India and in Mauritius, with many companies and businessmen involved.

The British Empire already made

#### Reference 1122 - 0.01% Coverage

use of that reservoir of

cheap labour in Asia; this new development would create conditions for the British Empire to make enormous profits in this new lucrative business across the oceans.

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#### Reference 1123 - 0.01% Coverage

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3.3.5 The Labour of the Recaptives or the liberated slaves

Following the abolition of the

#### Reference 1124 - 0.01% Coverage

this category of slaves/apprentices

During the period 1811 to the early 1840s, given the rapid expansion of the Sugar Industry and given the abolition of slavery and the uncertainties associated with the importation of indentured labour, these 'recaptive' unavailability of a sufficient labour force, somewhat like the Indian convicts. Africans would play a most

#### Reference 1125 - 0.01% Coverage

to mitigate the Moreover, the carrying over of 'recaptive' Africans was kept going until the late 1860s, when it was felt that the source of indentured labour from British India was reliable and provided much cheaper labour than the 'recaptive' Africans. In 1811, the first group

#### Reference 1126 - 0.01% Coverage

Stoker, District Commander with 45. Furthermore, during that same period, 206 of the 'recaptive' Africans were employed as labourers and manual workers within the Local Government, and 224 were in the armed forces. By late 1820s, the Colonial

#### Reference 1127 - 0.01% Coverage

Government's 'recaptives' by seven years. It turned out that the Government was able to secure a pool of cheap labour from among the 'recaptives' at a time when the demand for labour was increasing. As it has been mentioned before, in 1829 there were failed attempts to recruit Chinese and Indian indentured labour from Singapore and India. Moreover, the 'recaptive' Africans had

#### Reference 1128 - 0.01% Coverage

percentage of them marooned. For example, between 1820 and 1826, 1085 males and 272 females marooned, but about 64% of them were recaptured.<sup>70</sup> This may explain why certain observers of that time have described the so called 'benevolent' attitudes/policies of British Colonial Authorities to the 'recaptive' Africans as a disguised slave trade and a pool of cheap labour readily available, as and when required. 3.4 Banking, Finance and

#### Reference 1129 - 0.01% Coverage



effect, they were given to private employers or a Government Officer as apprentices or indentured labour for a period of up to fourteen years.

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#### Reference 1130 - 0.01% Coverage

C. Wiehe would join them.

The Bank had to face the perennial issue of specie/metallic currency (mentioned early on) which was aggravated with the emancipation of slaves and the arrival of Indian indentured labourers. It is true that the labourers, who were paid in metallic currency, tended to save them by hoarding and brought them to India, whenever they returned. Further, with the influx of Indian labourers, consumption increased, causing an increase in imports which were paid in metallic currency. Moreover, there were other factors which contributed to the drain on the metallic currency: the

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#### Reference 1131 - 0.01% Coverage

the Mauritius Bank complained:78

"Your Excellency is doubtless aware of the high rate of wages paid to all classes of the labouring population, a rate, I may be allowed to observe, far beyond what is necessary for their wants, or even for their lavish indulgence: the fact, however, is undoubted, and the consequences of it are that a very large sum of money is monthly abstracted from the circulation of the colony, hoarded by the Indian labourers and those of other countries, until the time may arrive when they leave the colony enriched by their highly paid labour."

And yet, the labourers were being paid miserable wages. Both the British and French business communities jointly wanted very, very cheap labour. Similarly, as early as 1832, the Directors of the Bank wrote a letter to Governor Sir Charles Colville, opposing some amelioration policies in favour of the enslaved people. Pierson, W. Thompson, R. Laganne.

The Directors included: Gaillardon, A

#### Reference 1132 - 0.01% Coverage

Gaillardon, A. d'Epinay, Andrew Laing,

Faced with the scarcity of specie, the Mauritius Bank and the Mauritius Commercial jointly wrote a petition on 27 June 1842, requesting Government to undertake to furnish Indian labourers (who wished to return) with Bills on Calcutta and Madras, to accept demand for a local currency and to pass a law prohibiting the export of specie. The Government rejected the demands, but agreed to make monthly advances to both banks of £ 1200 for four months, to be paid back £800 monthly with interests.

The issue of the need

#### Reference 1133 - 0.01% Coverage

slavery 3.5.1 Introduction

To understand the various issues concerning abolition of slavery, and the way people would react to them, it is important to recapitulate the social forces in Mauritius involved at that time. There was the British Colonial State in Mauritius and the British Imperial Government; the Planters Community were predominantly French, with some British planters. Moreover, there was an important presence of the British traders or financiers either through a company in Mauritius, representing their interests or through an office set up in Mauritius, and they provided credit to the planters to such an extent that around three quarters of the sugar estates were effectively owned by them in the early 1830s;<sup>79</sup> there was the labour of the numerous enslaved people, and finally the Free Coloured People.

The process leading to the

#### Reference 1134 - 0.01% Coverage

would be abolished in 1843.

By this time, since the mid 1830s Indian indentured labourers were imported to Mauritius from a reservoir of very cheap labour in British India.

Already, the policies of British

#### Reference 1135 - 0.01% Coverage

of British Colonialism in India

on land had caused an increase in landless peasants. With the maintenance of slavery in India, there is no doubt that, to some extent at least, this had contributed to the depression of wages of the Indian labour force; in turn, the prospective indentured labourers would be in a position to accept very low wages.

Thus, the following question arises

#### Reference 1136 - 0.01% Coverage

was not to pay any

compensation to the slave-owners but to have a long period of apprenticeship; the latter which provided unwaged labour to the slave-owners would have helped to pay for the costs of emancipation.

Thus, the enslaved peoples themselves

#### Reference 1137 - 0.01% Coverage

investment in the Sugar Industry.

3.6 The aftermath of emancipation and the arrival of indentured labour 3.6.1 Why did the enslaved people leave the plantations on Emancipation?

For quite some time, it

#### Reference 1138 - 0.01% Coverage

plantations in Mauritius. Douglas Hall,

"By 1842 the immediate reactions of both planters and ex-slaves to the emancipation had occurred, and although some measure of stability had been achieved in labour relations there was general complaint on the part of employers of the scarcity, the unreliability and the high price of estate labour."<sup>88</sup>

The evidence provided by the

#### Reference 1139 - 0.01% Coverage

the houses and grounds."<sup>90</sup>

Similarly in Jamaica, the evidence indicated that whenever labour was not coerced by imposing rent and was being paid regularly reasonable wages, there was the availability of continuous labour on the sugar estates.

In Mauritius, there was no

#### Reference 1140 - 0.01% Coverage

Moreover, the gargantuan appetite for

fat profits by the planters, and the British credit houses, together with the active support of the Colonial State, drove them to look for alternative sources of labour, and especially very cheap labour. They found it in British India, where access to the vast reservoir of cheap labour and its relative proximity (and hence low transportation costs) would make it possible for them not to pay reasonable wages to the emancipated enslaved peoples or to give them access to free housing and land which they enjoyed for so many years. They would, thus, be able to compete more successfully with the West Indian planters, to expand further the Sugar Industry and to have a major share of the British market.

In fact, since during the Apprenticeship Period, apprentices were paid very low wages for their 'extra service' because there was already indentured labour since 1834 and the wages were based on the prevailing wage rates of indentured labour.

The following article from Le

#### Reference 1141 - 0.01% Coverage

Jamaïque sous les yeux."<sup>91</sup>

Thus, the planteurs in Mauritius were paying the apprentice labourers less than one-quarter of the wages paid in Jamaica!

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#### Reference 1142 - 0.01% Coverage

be excluded from the mainstream

economy, deprived of any wages and of any land and housing in an increasingly monetised capitalist economy. The subsistence economy, to which the apprentices were used, was threatened by the capitalist economy. Their marginalisation and exclusion would be accelerated with the massive importation of indentured labour.

3.6.2 The new economic system and indentured labour.

Colonial plantation slavery was the

#### Reference 1143 - 0.01% Coverage

the enslaved peoples, cultural extermination.

Indentured labour was imported in the context of the transformation of the economic system from a semi-feudal into a progressively capitalist economy. The conditions of indentured labour were, in many aspects, similar to those of slavery.

instituted, the driving force being the profit maximisation and capital accumulation of the French colons and the British traders/financiers with active support of the British Colonial State and Imperial Government. Nevertheless, whilst there was continuity in terms of exploitation, the system was not 'a new system of slavery' as proposed by Hugh Tinker. With wages, and free housing and other facilities (just like slave labour), some sirdars and indentured labourers would be able to save and buy land later on, thus creating a Planter Class. slavery.

That was impossible under

But

#### Reference 1144 - 0.01% Coverage

slavery.

That was impossible under

But, British colonialism created the fragmentation of labour by depressing wages; with the abolition of slavery, the British Colonial State would support the French planteurs in their use of the economic weapon to bring about this fragmentation. And this, on top of the prevailing oppressive Legislation on labour, cultural rights, family rights, social relations!

The exclusion of the ex-apprentices from the mainstream economy and the fragmentation of labour would have an impact even on modern Mauritius. Admittedly, in the history of Mauritius, political leadership has now and then used that historical state of affairs in defence of their interests.

3.7 Concluding Remarks

The

#### Reference 1145 - 0.01% Coverage

interests.

3.7 Concluding Remarks

The period 1810-1839 in the history of Mauritius saw the creation of a monocrop economy, with the destruction of the cultivation of other crops. The driving force for fat profits and capital accumulation created conditions for a perpetual quest for coerced unwaged labour and later coerced waged labour.

Moreover, the Capitulation Treaty not

#### Reference 1146 - 0.01% Coverage

of the planters/slave-owners.

The value of slave labour for the period 1823-1835, gives an idea of the intensity of the prevailing system of economic exploitation. The viciousness of the system was crowned with a compensation of £2.1 million

for slave-owners at the time of the abolition of slavery. And a new system of exploitation in the form of indenture labour would follow and be sustained during the 19th century.

A new system of economic

Reference 1147 - 0.01% Coverage

THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

CHAPTER 4 THE BRITISH COLONIAL PERIOD AND INDENTURED LABOUR SYSTEM

4.1 The Organisation and

Reference 1148 - 0.01% Coverage

large number of establishments. Sugar

cane was grown on numerous estates which were of different sizes. On account of the investment required and expenses involved, sugar cane could only be profitable on large sugar estates. Generally, estates with a large supply of slave labour concentrated on sugar cane cultivation which was the most labour-intensive crop. Sugar cane cultivation and slave-ownership went hand in hand. In 1830, only 74,839 of 272,022 inventoried arpents of land were under cultivation. There was still, at that time, a considerable amount of undeveloped land.

The advent of sugar cane

Reference 1149 - 0.01% Coverage

the past five years.<sup>92</sup>

For the sugar oligarchy, the amelioration measures decreed by the British Government were the first step toward the emancipation of the slaves, hence their opposition to these measures. The expansion of the Sugar Industry and preoccupation over the supply of labour retarded attempts by the Governor and the Colonial Establishment to enforce these measures. The Bar and Bench were instrumental in obstructing the implementation of the Amelioration measures. the implementation of the Amelioration orders in Mauritius. It took five years for

Reference 1150 - 0.01% Coverage

the more arduous field operations.

The colonists' aversion to maroonage had two main causes: On the one hand the threat to personal security and property posed by maroon slaves who remained "active and resourceful protagonists". A second strong motive of resentment on the part of the colonists was that maroonage deprived them of valuable labour which was an indispensable element for the profitability of their operations.

In these circumstances, the colonists

Reference 1151 - 0.01% Coverage

d'Epinay.

This order was later

The problem of maroonage continued during emancipation and aggravated the labour crisis faced by the rapidly expanding sugar industry. The impact of shortage of servile hands was compounded by the sugar industry's shaky financial conditions which included tapping costly alternative sources of labour. In these circumstances the threat of maroonage provided many slaves with a powerful weapon to renegotiate and alleviate the harsh conditions under which they lived and worked. Between 1835 and 1837, an average of 7.7% of the apprentices was apprehended every year for desertion.

Some of the slaves, once

#### Reference 1152 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

on the coast where they eked out a precarious livelihood from the sea. Their place in the island economy was taken by indentured labourers from India.

##### 4.1.4 The Rise

#### Reference 1153 - 0.01% Coverage

inventoried arpents were under cultivation.

The most pressing problem of Mauritian planters was the need to deal with the loss of a substantial portion of their labour force. It was against a backdrop of a severe, and possibly long-term, labour shortage that estate owners began to contemplate the subdivision and sale of part of their property. It was also an attempt on the part of the authorities to bring some order in a seemingly chaotic situation. After 1835, there was a precipitous decline in the size of the apprentice and ex-apprentice population.

In 1836, at least 1

#### Reference 1154 - 0.01% Coverage

of Colour.

As an early

solution to the labour crisis faded in 1840, estate owners moved to protect their interests. Hence, their attempts to bring back the ex-apprentices and tie them to the land through the "Petit morcellement".

According to Allen there is also a need to examine the post-emancipation situation in Mauritius in terms other than those of labour supply and/or labour relations. The Mauritian authorities strongly understood that access and control of adequate amounts of capital were of equal if not greater importance to the supply of labour for the survival of the plantation regime. On a number of occasions, the authorities expressed their concern about the financial distress experienced by some planters. (Governor Gomm to the Colonial Secretary 1843; Gomm to Stanley in 1846).

There, is thus, a need

#### Reference 1155 - 0.01% Coverage

alluring option for many planters.

The labour and liquidity crisis of the 1830s and 1840s promoted, not only the parcelling of estates, but also the rise of a class of ex-apprentice gardeners and farmers. There were, in that connection, diverging opinions in official quarters at the time on the activities and contribution of the former apprentices in the island's social and economic development. The standard view in many circles was that these individuals remained "ignorant, lazy and given to hedonism". On the other hand, Governor Gomm, in 1846, expressed the opinion that the former apprentices had become "a thriving and improving class of the colonial population". Some independent observers were equally impressed by the social and economic promotion of the former apprentices. The ex-apprentices small holders could be counted among the 30,000 Persons of Colour forming a middle class and fast rising in wealth and consequence. 95

Truth and Justice Commission 331

#### Reference 1156 - 0.01% Coverage

Influx of Indian Indentured Immigrants

The importation of Indian labourers in Mauritius began in earnest in 1834, with the introduction of 36 hill labourers and 39 labourers from Bombay by Arbuthnot. These labourers came to Mauritius on private five-year contracts. They had to pay for their return passage in case they chose to go back to India. In 1835, 1,160 men, 61 women and 33 children were brought in. Between 1836 and 1839, despite Governor Nicolay's ban on further introduction of indentured labourers in the island, 22,615 men, 776 women and 192 children were brought. In the view of the Colonial Authorities and the planters, this early private introduction of Indian labourers on a five-year contract of service worked very well. The Colonial Secretary stated, in 1836, that the experiment, so far as it had been tried, met with great success. The planters praised the character and general disposition of the Indians whom they found to be far more efficient and intelligent at agricultural work than the Africans, despite the fact that a great number of the labourers who were brought in were very raw labourers.

In 1836, a gang of

#### Reference 1157 - 0.01% Coverage

if they had the choice.

From 1836 to 1839, according to the Annual Reports of the Protector of Immigrants, 25,468 Indian indentured labourers were brought to Mauritius at a cost of nearly £280,000.

This substantial  
immigration was, in

#### Reference 1158 - 0.01% Coverage

1833 to 203 in 1838.

The demand for labour created by this expansion was accentuated by the rising proportion of sugar factories converting to steam, the number of steam mills soaring from 69 to 130 during the same period.

This expansion in capacity and

#### Reference 1159 - 0.01% Coverage

to 130,375 in 1860.

The key issue for the British Administration was “whether such large immigration of Indian labourers would not produce an oversupply of labour, thereby reducing the wages of the existing labour force or depriving them of their livelihood resulting in the creation of a nation of paupers”<sup>97</sup>. With the prospect of an unlimited supply of labour from British India, the chief reason would be removed on the part of the proprietors to induce the former slaves to settle down as regular labourers on fair terms. The planters, for their part, argued that the additional labour was required to provide the necessary man-power for the expansion of the Sugar Industry.

As it turned out,  
some

#### Reference 1160 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

4.2.2 The suspension of Indian Immigration. The Government subsidisation of immigration Indian labourers in Mauritius were paid five rupees a month and were given rations.

It was  
estimated at that

#### Reference 1161 - 0.01% Coverage

were given rations.

It was

estimated at that time that an indentured labourer costs the estate Rs. 10 to Rs. 11 per month (inclusive of the cost of rations). Between 1834 and 1838, planters in the island spent £200,000 for the private introduction of Indian labourers. In 1839, the Apprentices System was repealed. In that same year, India suspended emigration to Mauritius following a public outcry in both Britain and British India over reports of the exploitation to which these early immigrants were subjected and abuses in the recruitment and transportation of labour, which raised in British public opinion the spectre of a new slave trade.

As a result from 1840

#### Reference 1162 - 0.01% Coverage

500 tonnes in 1842.<sup>98</sup>

The planters reacted quickly in defence of the indenture system and to safeguard their investment. According to M. Carter, they had the support of some influential personalities from British India who stressed the destitution of indentured labourers in their own ‘overstocked country’ and upheld the notion that all parties would benefit from the indenture system. With the resumption of immigration in 1843, most of the sugar estates had to be extensively restored at any expense. Those estates did not return to full production until 1845.

In 1843, Government began subsidizing

#### Reference 1163 - 0.01% Coverage



control of immigration. In 1843, 30,000 Indian labourers were brought to Mauritius and by September 1844, 74,000 Indians - 67,112 of them male labourers had been brought in.<sup>99</sup>

The subsidization stimulated the demand

#### Reference 1164 - 0.01% Coverage

brought in.<sup>99</sup>

The subsidization

stimulated the demand for indentured labourers. But in the face of a threat to the island's social balance and the island's capacity to accommodate such a large influx of population, Gomm, who succeeded Lionel Smith as Governor in 1842, favoured the Government control of Immigration. He strongly opposed the sugar planters' vision of an unlimited supply of labour. This led to frequent clashes in the Government Council between the Governor and the planters' representatives, who were supported by a 'small coterie' of British commercial agents and by the planter controlled press.<sup>100</sup>

On the other hand, in spite of his concern about the excessive importation of indentured labour and disputes with the sugar producers, Gomm had, it would seem, a very favourable opinion of the state of the colony and the sugar industry. He wrote to the Colonial Secretary in 1845 that "he might confidently affirm that no spot on earth presents a more cheering prospect of abundance than the surface of Mauritius". Financial considerations may also account for Gomm's attempt to restrict indentured immigration to Mauritius.

"the never-sated vortex of

#### Reference 1165 - 0.01% Coverage

residence" in the island.<sup>102</sup>

In practice, the scheme was a failure. The engagements at the Depot led to violent competition between estate sirdars bidding against each other for labourers. Wages were bid upwards by the fierce competition between planters to re-engage workers as their annual contract expired.

No

consistent policy for allotting

#### Reference 1166 - 0.01% Coverage

their annual contract expired.

No

consistent policy for allotting immigrants ever seems to have been formulated or implemented, and many planters took advantage of loopholes in the regulations, competing openly against each other for new immigrants, raiding each other's estates for labourers and eventually dispatching their own agents to India to recruit workers.<sup>103</sup>

The result of this situation was a considerable disorganization of the labour supply on estates. The one year contract of service produced a high turnover of labour; absenteeism on estates reached a high figure. An official committee in 1846 published statistics which give an idea of the unsettled condition of labour on estates.

The Committee reported that there

#### Reference 1167 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

immigrant labourers in the colony of whom 35,000 were employed in agriculture: desertion, absenteeism and sickness further depleted the number of workers and the effective number of hands on estates was only 25,000. This figure was only slightly larger than the number of slaves employed on estates before emancipation, whilst between 1830 and 1846, the Mauritian sugar crop had increased by 47 percent.<sup>104</sup> Certain events at the time brought important changes in British policy in support of the planters. During the mid 1840s, when an economic and financial crisis precipitated by the British Sugar Duties Bill threatened bankruptcy and ruin for the sugar plantations, the sugar planters won the support of British Parliamentarians and other influential circles in their favour. To plead their case, planters used the free trade issue which forced them into competition with sugar producers using slave labour, to demand compensation, not in monetary, but in manpower terms.

A bargain was thus made

#### Reference 1168 - 0.01% Coverage

increase in the representation of

planters in the Government Council, an increase in the annual intake of labourers and an increase in the contract length of service from one year to three years. In 1849, three-year contracts were legalized and as a result labour supply conditions on estates improved markedly.

4.2.3 The role

#### Reference 1169 - 0.01% Coverage

role of the Colonial State

The Colonial State played a crucial and largely successful role in the years following the abolition of slavery. According to S Mintz, the political battle between the Metropolitan capitalist classes who favoured free trade and the colonial planters was partly eased by access to external but politically accessible labour pools. The State regulated, not only the recruitment, importation, allocation and employment of labour, but it was also responsible for the financing of immigration.<sup>105</sup> Part of the cost of introducing labourers at public expense was recovered from the planters to whom labourers were allocated, the balance being drawn from general revenue. The incidence of taxation was then highly regressive.

were readily extended to sugar

#### Reference 1170 - 0.01% Coverage

the duty on rum.<sup>106</sup>

In 1852, the Government of India finally acceded to a long-standing request of Mauritian planters that a free return passage should in future be granted only in special circumstances. This measure, it was believed would create a resident agricultural labour force and eliminate the unsettled condition of labour on estates. In 1852, estates were also allowed to recruit immigrants in excess of their official quota.

The following year (1853) private

#### Reference 1171 - 0.01% Coverage

recruiters from individual estates were

licensed to operate in India. From an annual contingent of 9,000 labourers, Immigration leapt to more than 10,000 annually in 1852-54; it reached over 20,000 yearly in the late 1850s.

In 1854, the cost of introducing 18,500 male and female labourers was £101,000 instead of £60,000 provided for in the estimates. To meet the increased charges, export duty on sugar was increased from 3d to 8d per 100lbs. Within a decade of Gomm's departure, sugar planters were thus at liberty to import a virtually unlimited supply of labourers in Mauritius. The protective machinery put in place by Gomm to defend the interest of immigrants was then at its most ineffective.

The Colonial Government was crucially

#### Reference 1172 - 0.01% Coverage

solution to the problem."<sup>107</sup>

These sentiments were repeated in their Annual Reports by Higginson's successors, Stevenson and Barkly. In 1858, Stevenson described Indian immigration as "the generator of agricultural prosperity". Barkly, eight years later, observed that the island's commercial, as well as agricultural, interest had been maintained and enhanced by the introduction of Indian immigrants. The removal of previous restrictions on recruitment brought 174,000 new immigrants to Mauritius between 1852 and 1860. Employers paid the full cost of immigration. contracts were reestablished for agricultural labour on estates.

Finally in 1852, five-year

#### Reference 1173 - 0.01% Coverage

the Mauritian population.

Regular large

intakes of immigrants were justified by sugar planters on the basis of the loss of time-expired labour and the high absenteeism among indentured workers. As a result, in the course of the first four decades of indentures, the Local Government obtained the consent of the Metropolitan authorities to a series of concessions and measures which tended to increase the supply of Indian workers in Mauritius, whilst seeking to restrict the workers' right to leave the estate to seek more lucrative employment elsewhere.

Under the indenture system, Indian

#### Reference 1174 - 0.01% Coverage

the movement of Old Immigrants.

##### 4.2.4 The 1860s: Labour and Sanitary Problems 4.2.4.1 The Old Immigrant Problem

As from 1842, Labour Legislation was enacted which was directed specifically against Indian Immigrants. The net effect of such Legislation was to subject immigrants to a number of restrictions and penalties from which non-Indians were exempt.<sup>108</sup>

According to Allen, the 1860s

#### Reference 1175 - 0.01% Coverage

By the mid 1870s, the composition of the industry's work force underwent further changes as Indo Mauritians (i.e. Mauritian-born Indians) became an ever-larger component of both Indian population as a whole and the sugar industry labour force.

Within a Truth and Justice

#### Reference 1176 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

For some thirty years, the segregation of the Indian labourers on estates remained virtually unchanged the social organization of the island's community. But when a large proportion of immigrants, after completing their period, left the estates, there began a process of evolution which brought in time a profound change in the structure of the island's community and determined to a larger extent the future development of the Sugar Industry.

##### 4.2.4.2 Insalubrious

#### Reference 1177 - 0.01% Coverage

down prices of colonial sugar.

the abandonment of several estates, twenty estates were sequestered and had to be sold. As a result, a large number of labourers lost their employment.

In 1866, a severe drought

#### Reference 1178 - 0.01% Coverage

to start a plague.<sup>111</sup>

This description of the physical and social environment of the areas where many of the labouring classes lived contrasted with the description of the conditions in the central part of Port Louis, where merchants and traders and people of the liberal professions resided.

The planters and  
merchants lived

#### Reference 1179 - 0.01% Coverage

spatial, economic and ethnic divisions.

Many new residents in Port Louis were ex-apprentices and labourers who had completed their contracts. As they were non-agricultural workers, who had rescinded their connection with the Sugar Industry, they were regarded by the authorities as unproductive labour and were left largely to their own devices.

Overcrowding was also a major

#### Reference 1180 - 0.01% Coverage

Central Districts of the island.

The difficulties of 1864 to 1868 reversed the brisk demand for labour which had prevailed during the preceding decade. Sugar cane cultivation was restricted on several estates; on others, it was given up altogether.

Recruitment of labour in British India dropped to a trickle after 1866. The agricultural labour in Mauritius soon consisted of a majority of Old Immigrants – the arrivals of 1850 to 1865 who were free to settle in the country and occupy themselves as they wished; these Old Immigrants now made up nine-tenths of the agricultural labour-force.

##### 4.2.4.3 The Labour Law of 1867

From the Sugar Industry's point of view the problem created by the Old Immigrants contained one main element: how to persuade immigrants to re-engage on estates once they had completed their period of industrial residence. From the Government's point of view, the problem was the smooth and successful integration of a large immigrant class into the existing structure of the island's society. The Labour Law of 1867 tried to deal with both aspects of the problem.

Governor Barkly wrote that this Ordinance, by continuing to hold the Old Immigrants under the same obligation of accounting for their place of residence and means of livelihood, as vested upon those who had not served five years in the colony, afforded a basis for many salutary reforms and were universally looked upon as a commencement of a new era of social improvement. According to him, hitherto from fear lest immigration would be stopped, in case the slightest restriction were imposed, the Old Immigrants had been allowed to live precisely as they wished and there could be no doubt that not only an increase of crime, but also a deterioration of the sanitary state of the island were mainly due to the licence this permitted. In his observations on the new Labour Law, Barkly echoed the views of the Secretary of State.

In a dispatch in June

#### Reference 1181 - 0.01% Coverage

the fever in Port Louis:

"The improper construction and overcrowding of the dwellings", particularity of "Indians in Port Louis" was first on the list of the main causes of the fever in Port Louis. He felt that the movement of Indian Labourers to Port Louis was the real cause of all the problems.

They were an "uneducated uncontrolled

#### Reference 1182 - 0.01% Coverage

by the local press generally:

"We do not think that there would be any large demand for fresh labour if the Government were to adopt stringent legislative measures to face the thousands of Old Immigrants to earn their livelihood in place of continuing to permit them to agglomerate with their more industrious comrades to the danger of public security and public health [...]. Something must be done, not to force idlers to work, not to coerce Old Immigrants into engagements on estates, but to induce them to accept regular employment [...]"<sup>115</sup>

A general registration of Old

#### Reference 1183 - 0.01% Coverage

villages all over the island.

The result of these measures was to drive back Indians to the estates, the proportion of Indians living on estates rising from 48 per cent of the total Indian population in 1867 to 58 per cent in 1870. Yet, in spite of the stringent enforcement of the new Labour Law, the number of labourers working on estates does not show any increase over that period.

4.3 Banking and Finance

#### Reference 1184 - 0.01% Coverage

mainstay of the Mauritian economy.

The expansion of sugar in Mauritius occurred within an extremely meager physical and financial infrastructure. For most planters, capital to invest in new machinery, land or additional labour was sorely lacking.

It was estimated, in 1828

#### Reference 1185 - 0.01% Coverage

British capital into the Industry.

The expansion of sugar production also relied, in a large measure, on the supply of Indian indentured labour. Field-work and manufacturing operations were then very rudimentary and relied heavily on manual labour. Under the prevailing buoyant demand

#### Reference 1186 - 0.01% Coverage

for sugar on the British

market, the volume of sugar exports from Mauritius depended on the acreage under sugarcane and the supply of labour. Cane acreage in Mauritius increased from 27,800 arpents in 1825 to 57,000 arpents in 1830, the number of factories increased from 157 in 1823 to 202 in 1833 and sugar output from 10,780 tonnes in 1825 to 33,960 tonnes in 1830.<sup>119</sup>

This raises the question of

#### Reference 1187 - 0.01% Coverage

enormous losses upon thus".<sup>123</sup>

There was besides, in the case of Mauritius, the growing unilateral trade with British India and the heavy annual disbursements on the importation of indentured labour and the purchase of rice and other staples. A symptom of the imbalance in the island's trade with British India was the drain of Indian rupees which, at the official rate of 1/10 to the rupee, were hoarded or held at a premium and ultimately left the island in speculative transactions. The Colony was said to be approaching a state of barter in the course of which sugar may bring rice to a few people but would not provide wages.

There was also the growing

#### Reference 1188 - 0.01% Coverage

150,480 tonnes in 1862.

Between 1852 and 1854, 17,859 arpents of land were put to cane and the total acreage under cane in 1865 was around 137,955 arpents. In 1858, there were 288 factories in Mauritius, the largest number of factories ever to operate in the island. Between 1850 and 1865, a total of 186,100 Indian labourers were brought in, with an average annual intake of over 11,600 male labourers.

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#### Reference 1189 - 0.01% Coverage

ultimately five-year terms. These measures brought down the cost of labour and led to the spread of cane cultivation throughout the island. The 1850s and first half

#### Reference 1190 - 0.01% Coverage

opening of the Suez Canal.

Port Louis became once again the hub of trading activities in the southern Indian Ocean and the focus of the economic and social life of the Colony. A large part of these activities was connected with the importation of indentured labourers. Besides, a regular sea link was established with Europe.

4.3.3.2 Improvements

#### Reference 1191 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

90 in 1865. The transport of indentured labourers and the provision of their basic needs in food and clothing constituted the bulk of the transactions between British India and Mauritius. From the 1860s, exports of sugar to British India opened new prospects for bi-lateral trade and by the turn of the century more than half of the trade of the colony was carried out with the subcontinent.

The increased production and export

#### Reference 1192 - 0.01% Coverage

resources of a single industry.

Planters responded to the developing economic crisis by a process of retrenchment, less frequent calls for the importation of labourers, the rationalisation of manufacturing operations and the improvement of operations to increase efficiency and cut costs. Between 1863 and 1903, the number of factories declined by 70 per cent, from 255 to 80. Share cropping became increasingly common during the 1880s, and by the late 1890s, one-fourth of the island's sugar estates were engaged in this practice. At the same time, many estate owners began to subdivide their holdings and sell off small plots of land to Indian labourers.

From the second half of

#### Reference 1193 - 0.01% Coverage

##### 4.4 Métagage and Morcellement

During the 1880s, sugar prices began a secular decline. Indebtedness increased and numerous estates were divided into small parcels and sold to Indian cultivators, many of whom fifteen to twenty years before had been indentured labourers. The number of factories tumbled from a peak of 288 in 1850 to 104 in 1892 and 66 in 1908. The parcelling out and sale of estates proceeded most rapidly between 1880 and 1900; it was checked in 1902.

After 1880, under the pressure of falling sugar prices and increasing competition for labour, some planters handed over part of their estates to their workers in the hope of binding them to the estates. Under the 'métagage' system (tenant farming), the tenant farmers cultivated their land with sugarcane which was taken to the estate factory to be crushed. The 'métagage' system gave way to "morcellement". Large portions of marginal or sub-marginal land were divided into small plots and sold to Indians, mostly for cash but also on deferred terms of payment. Between 1886, and 1895, there were 69 "morcellement" of estates in the island. A large number of Indians,

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#### Reference 1194 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

several of them part-time labourers on estates, thus occupied land, which estates could no longer work profitably and brought them back into production.

In 1907, Highlands Estate, with

#### Reference 1195 - 0.01% Coverage

men in the Coloured Population.

The average sum owned by a Mauritian (i.e. non-Indian agricultural labourer) between 1851 and 1855 varied from £5 to slightly more than £8 a year, while that of Indian labourers ranged from £18 to £21 per year. The disparity was even more marked in the amounts standing to the credit of agricultural labourers at the end of the year. Mauritians averaged £303, compared to £11,399 for their Indian counter parts. The amount is even more impressive, when compared to the value of the deposits standing to the credit of artisans and mechanics (£4,542) and domestic servants (£7,327).

Many of the early sales

#### Reference 1196 - 0.01% Coverage

produced by small planters.<sup>139</sup>

'Morcellements' and the use of labour contractors reduced the planters' dependence on wage labour and enabled them to concentrate on the manufacturing side of the industry. The

#### Reference 1197 - 0.01% Coverage



the traditional sugar estate.<sup>140</sup>

In the same vein North-Coombes has argued that the initial acceptance and the subsequent opposition of the Colonial Establishment and ruling class to the use of an Indian peasantry and urban petite bourgeoisie can be explained by the fact that these activities would not only constitute competition for land but also the withdrawal of labour from the sugar sector.

The main advantages of the existence of the smaller planter class to the controlling interests of the Sugar Industry were a flexible source of low-cost cane supply and a reserve army of labour which could be drawn upon on a seasonal, or casual, basis to meet the changing labour requirements of sugar production. The small cane-planters thus served both the cane supply and the labour needs of the Industry.

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#### Reference 1198 - 0.01% Coverage

#### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

##### 4.5 Wages Rates in the Sugar Industry (1835-1909) 4.5.1 Shifting from Slave Labour to Indentured Labour

In 1807, the shipping of slaves to British colonies was forbidden and in 1808, slave trade was prohibited. When in 1810, the British took over the island, slave trade became illegal. In 1834, British abolished slavery. It was phased out on the island under a transition period known as 'apprenticeship'. However, in Mauritius and elsewhere, the sugar plantation economy, since its inception, had depended, for its success and profitability, on plentiful, cheap, coercible and disciplined labour force. Slave labour had, for centuries, been the backbone of plantation colonies.

To meet the increased demand for labourers required for the growth of the capitalist production system, a new labour regime was inaugurated in which labour began to flow from regions where people were unemployed, or displaced from agriculture or cottage industries, towards regions of heightened industrial or agricultural activity.<sup>141</sup> One of the most important, among such flows of labourers was the immigration of Indian labourers to work on labour intensive plantation settlements like Mauritius. Immigrants were tied to a contract of service, often entered into at the source of origin itself, for a fixed tenure and type of work to be performed, and they were legally compelled to observe the terms and conditions of the contracts.

Between 1820 and early 1830s, under the British period, Indian contractual workers were introduced by individual planters. In 1835, indentured labour system was introduced. In subsequent decades, hundreds of thousands of workers arrived from India. Mauritius was the first British Colony to embark on the 'Great Experiment' of importing an indentured labour workforce from the sub-continent. Since the Proclamation of the Abolition of Slavery in 1833, there was the urgent need to replace the local labourers liberated from slavery by an indentured workforce.

This

workforce, later on, became

#### Reference 1199 - 0.01% Coverage

by an indentured workforce.

This

workforce, later on, became a majority population group. 453,063 indentured labourers were brought in Mauritius under the indenture Agreement. Labourers from the Indian Peninsula disembarked in Mauritius as from 1842 and originated from Colombo, Cochin, Pondicherry, Madras and Calcutta. These experimental

importations of local planters were an evident means of overcoming the acute shortage of labour arising in the colony.

By 1850, there were 48

#### Reference 1200 - 0.01% Coverage

Payments, Absences and Double-Cut

In the colonial perception, this was bliss for the Indian labourers because in India, these labourers hardly earned more than two rupees a month and that too without any additional allowance which they received in Mauritius. There was a general consensus that the wages offered in Mauritius were enormously high compared to wages in India and, therefore, the Indian labourers work as wage labourers and better were their conditions by immigrating to Mauritius.

At the very beginning of

#### Reference 1201 - 0.01% Coverage

never took place, and the

figure of wages paid to the immigrant labourers remained the same for more than eighty years, and the increases remained occasional and short-lived. It even decreased on several occasions with the sinking fortunes of sugar economy.

Table 12 shows that the wages paid to immigrant labourers remained the same from the beginning till the end of the indenture system.

But this is only in

#### Reference 1202 - 0.01% Coverage

6 Source: Mishra (2010)143

The planters used every possible trick to resist any increase in wages. The first such trick was to reduce the bargaining opportunities of the immigrants by importing surplus labourers and binding them to the same contractual obligations for as long as possible. In employing immigrant labourers under the same conditions, planters always insisted on longer contracts, in which they ultimately succeeded, and imposed severe restrictions on their mobility so that the labourers had no respite but to engage with the same estate on whatever wages it offered. When the intending immigrant was recruited, he was told he would receive wages of six months in advance in India itself.

But

from this advance payment

#### Reference 1203 - 0.01% Coverage

any wages except the food.

There was also a big gap between the stipulated wages and what the labourers actually received. The two main deductions put into practice by the planters were monthly deductions for return passage and the notorious 'double cut' of wages. One rupee or one-fifth of the total monthly wages was deducted by the planters as a security for good conduct and to meet the passage expenses in case of their premature

repatriation in the event of any misconduct. This accumulated deductions were to be refunded to the labourers upon the completion of the stipulated contracts. In practice, it was never returned to the labourers who were forced to re-indenture several times. The second, but the most widely applied, deduction by the planters which has earned an unsavoury reputation in the narratives of labour control in Mauritius was 'double cut' or deduction of two days of wages for an absence of each day, whatever the reasons might be for such absence.

This was practised by the planters as early as in 1839<sup>144</sup> and finally got the legislative endorsement in Ordinance 22 of 1847. Planters misused this provision both for the non-payment of wages, and also to curb labour mobility. The quantum of 'double cuts' was so high that in 1874 'double cut' reduced the wage bills by one-third on good estates and one-half on bad estates to what should have been actually paid to the labourers.<sup>145</sup> The 'double cut' was imposed by the planters for reasons other than unlawful absence of labourers (these reasons were most often meaningless in nature like absence because of imprisonment, or attending court proceedings). This was described by the Royal Commissioners as a 'monstrous system'.<sup>146</sup> Despite this persuasive condemnation, the provision of 'double cut' remained in force even in the supposedly pro-labour legislation of 1878, and it was abolished only in 1908 'when indentured immigration was in its last gasp'.<sup>147</sup>

On some estates planters even enforced deduction of four days' wages for absence of each day. In addition to these two universal deductions, planters made deductions from labourers' wages for their absence due to sickness, idleness, drunkenness, cutting of grass, losing tools, collecting firewood and on countless other similar unreasonable grounds, according to the planter's fancy. Planters used every possible excuse to defer the payment of wages in cash to the labourers. On innumerable occasions, irregular payments and heavy overdue amounts of wages were reported, despite the strict legislative provisions for weekly or monthly payments of wages throughout the indenture period.<sup>148</sup>

The Royal Commission reported that

#### Reference 1204 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

only when the final produce was sold in the market which, undoubtedly, provided limited liquidity at the disposal of planters. However, the overdue of wage payment had more to do with the attitude of the planters than the actual crisis of funds.<sup>149</sup> Planters were always avoiding the wage payments on some pretext or the other and a minor fault, on the part of labourers, provided them with the opportunity to forfeit all the accumulated wages of errant labourers. In addition, the nonpayment of wages often pushed the labourers into a debt trap to money lenders who were usually sirdars loyal to the planters, and it was expected that it would force the immigrants to extend their contracts. Non-payment of wages was the most often quoted grievance of indentured labourers, and it accounted for the largest proportion in the complaints lodged by the indentured labourers.

Table 13 shows that complaints for non-payment of wages accounted for the largest part of the total complaints of Indian labourers against their employers.

Despite this prominence, the redressal

#### Reference 1205 - 0.01% Coverage

employers.

Despite this prominence, the

redressal mechanism available for labourers to reclaim their wages often proved deficient in ensuring the payment of wages and arrears. On the majority of occasions, Magistrates and Courts connived with the planters and the labourers, who were mostly illiterate, found it very difficult to establish their dues because the wage registers were not properly maintained, and ultimately the claims of labourers were dismissed. In some cases, even when the instances of non-payment of wages were established, the legal procedures were notoriously slow and the Stipendiary Magistrates, who were entrusted to secure the payment of wages, had difficulty in obtaining the dues for labourers and convicting the defaulters. All these innate constraints of the wage payment made the stipulated wages into a longing which immigrant labourers could never attain.

Table 13 Complaints by Indian

#### Reference 1206 - 0.01% Coverage

on Sugar Estates: Empirical Evidence

Data was collected from the Protector of Immigrants from 1878 to 1888. Information on average monthly number of sirdars and labourers per estate and District, average contract wage for sirdars, per centage deductions from wages based on the number of days lost in terms of sickness, imprisonment, illegal absences were made available.

Data was also collected on

#### Reference 1207 - 0.01% Coverage

also collected on the average

number of days spent in prison, number of sick days or illegal absence. The data was used to focus on the working environment of sirdars and labourers in Mauritius from 1878 to 1888.

Total Complaints 1672

823 822

#### Reference 1208 - 0.01% Coverage

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Figure 4.4

Figures 4.4 – 4.6 above show the number of labourers working in the different

Districts of Mauritius from

December

#### Reference 1209 - 0.01% Coverage

different

Districts of Mauritius from

December 1878 to June 1888. The highest number of labourers is to be in the District of Flacq followed by Grand Port and the Plain Wilhems. We find a similar trend in the distribution of labourers as to sirdars in the above charts. The size of the sugar estates are often linked to the number of labourers and sirdars working on the plantations. The close link between the population of labourers and sirdars can be seen above.

Figure 4.5 Figure 4

Reference 1210 - 0.01% Coverage

THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

The second part of our analysis focuses on the average wages paid to sirdars and labourers over the period of study. Since there is not much variation in average wages for both groups over the years, we concentrate on the starting year that is December 1879 and the last year of our study which is June 1888. From Table 14, we note that the monthly mean wage of the sirdar is on average three times as much as that of the labourer.

In addition, average deductions seem

Reference 1211 - 0.01% Coverage

deductions seem to be more pronounced for labourers than sirdars. In fact the average deductions were due to sickness, illegal absences, desertions, prison sentences among others which were more prevalent for labourers.

Table 14 Average number of male sirdars, labourers, wages contracted for, deductions and wages paid for the six months ending December 1879

Region  
Monthly Average Number of

Reference 1212 - 0.01% Coverage

Average Wages Contracted For  
Rs.  
Labourers Sirdars Labourers Sirdars Labourers Rs.  
Rs.  
North Pamplemousses 198 5484

Reference 1213 - 0.01% Coverage

28  
15.24 15.61  
Labourers Rs.  
5.45 5.34  
5

Reference 1214 - 0.01% Coverage

21  
7.91 5.70

From Table 15, though we may note a slight decline in wages for both sirdars and labourers in June 1988 across most Districts, the fall in wages has been greater for labourers. Overall, sirdars were still earning three times more and in some Districts like Flacq, Grand Port and Black River, the disparity in wages was even four to five times more for sirdars.

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#### Reference 1215 - 0.01% Coverage

#### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Table 15 Average number of male sirdars, labourers, wages contracted for, deductions and wages paid for the six months ending June 1888

Monthly Average Number of Workers

#### Reference 1216 - 0.01% Coverage

181

417 242

373 300

93 160 64 1984 Labourers No.

4294 5093

11260 5823

10184

#### Reference 1217 - 0.01% Coverage

77

15.88 15.07

Labourers Sirdars Labourers Rs.

5.65 5.43

5

#### Reference 1218 - 0.01% Coverage

24

10.16 4.75

From the above, we might not capture the variation in the size of sugar estates in the different Districts. By analysing the data by Districts, we may ignore important differences across estates in the different areas. As such, we analyse the data for the starting period December 1879 and the end of the period of study that is June 1888. The analysis is shown in Tables 16 and 17. We concentrate on those sugar states with the highest number of labourers (as a measure of size) in the different districts of Mauritius.

largest number of labourers were located in the Southern and Eastern parts of the island.

In December 1879, we note

#### Reference 1219 - 0.01% Coverage

sugar estates with the For

instance, Gros Bois, L'Etoile, Queen Victoria, Chamouny and Rose-Belle are those with the largest number of labourers. However, we did not find any significant relationship between number of labourers on the sugar estates and the wage rates paid to these workers.

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#### Reference 1220 - 0.01% Coverage

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Table 16 Size of Sugar Estate and Average Wage Paid to Sirdars and Labourers in December 1879 Dec 1879

Average Number of

District

1

#### Reference 1221 - 0.01% Coverage

00

Average Wages contracted For.

Labourers

994.50 846.83

832

#### Reference 1222 - 0.01% Coverage

13.98

Average Wages paid.

Labourer s Rs. C.

6.39 7.06

6

#### Reference 1223 - 0.01% Coverage

88 0.73 0.42

Labourers Rs. C.

1.29 1.14

1

#### Reference 1224 - 0.01% Coverage

22

14.65 15.59  
Labourer s Rs. C.  
5.09 5.91  
5

#### Reference 1225 - 0.01% Coverage

is last in Table 17  
in terms of employment of labourers. Our regression analysis also shows no positive significant link between  
size of the sugar estates and average wage paid to labourers.  
A similar  
result is obtained

#### Reference 1226 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Agrement employed the largest number of labourers. The highest average wage paid to labourers in this  
period was around Rs. 6.43 on Riche-en-Eau sugar estate. Again our regression results, as well as figures  
from Table 17, do not reveal a positive correlation between the size of the sugar estate and average wage  
paid to labourers. This means that the average wage paid to labourers does not increase as the size of sugar  
estate increases. Across sugar estates, we also note that sirdars were earning more than labourers and the  
disparity was more pronounced.

Their wage  
premium was in

#### Reference 1227 - 0.01% Coverage

was more pronounced.  
Their wage  
premium was in the ratio of 4:1 and even more on many estates. We also observe that there has been a  
decline in wages across all sugar estates from December 1879 to June 1888 and the fall apply to both the  
remuneration of sirdars and labourers.

Table 17 Size of Sugar Estate and Average Wage Paid to Sirdars and Labourers in June 1888

Average Wages  
June 1888 District

#### Reference 1228 - 0.01% Coverage

Fressanges  
Gros Bois La Lucie  
Sirdars Labourers 30.3  
Highlands 16.6 24.6



#### Reference 1229 - 0.01% Coverage

45 14.47  
Average Deductions.  
Labourers 5.45 5.84  
Average  
Wages paid.  
Sirdars

#### Reference 1230 - 0.01% Coverage

55 4.88 0.28  
Labourers  
1.23  
1.77 0

#### Reference 1231 - 0.01% Coverage

17  
20.92 10.79  
15.18 Labourers 4.22  
4.07 3.70 3

#### Reference 1232 - 0.01% Coverage

arrival of traders from India

The transport and presence of indentured labourers on a large scale had a major impact on trade and shipping between Mauritius and British India as from 1840s. British, Mauritian and Indian Traders were involved. The demand for textile products and foodstuffs from India increased considerably as the number of indentured labourers from India increased substantially in the 1840s up to the 1860s. On the other hand, the uncertainty of the international sugar market and the British policy of Free Trade created conditions for the export of sugar to British India. Trade between Mauritius and British India was significantly two-directional for a major part of the second half of the 19th century. Moreover, following the First World War of 1914-18, Mauritian exports of sugar to India would fall dramatically, with Britain becoming over again the main market for Mauritius.

The transport of indentured labourers constituted another major aspect in the commercial transactions between Mauritius and British India during mainly the second half of the nineteenth century. To satisfy this demand for goods and for the transport of indentured labourers, major developments in shipping would take place, involving British, Mauritian and Indian Companies. Imports from India increased from 30% (of total imports) in 1865 to 50% in 1900; similarly, exports to India increased more dramatically from 11% (of total exports) in 1865 to 53% in 1900.<sup>150</sup>

In the latter case, sugar

#### Reference 1233 - 0.01% Coverage

### Social Stratification of Indian Immigrants

In the nineteenth century, the Indian immigrants consisted of traders and free passengers, whilst the indentured labourers would constitute the major component of Indians to settle permanently in Mauritius. Since the very beginning of their settlement, there was a certain degree of social stratification. With land parcellisation and the development of the economy, this stratification would be given a new boost.

social

Prior to the land

### Reference 1234 - 0.01% Coverage

given a new boost.

social

Prior to the land parcellisation, a commercial bourgeoisie had already settled, together with a growing middle class consisting of job contractors, sirdars, traders, middle-men, money lenders, intellectuals, then a class of planters (overlapping to some extent with the middle class). The labouring class would consist of small planters/labourers, landless labourers, gardeners and other manual workers on sugar estates. Whilst the different social classes would adapt, or try to adapt, to the existing colonial society, the agricultural labourers would be facing acute economic exploitation and social exclusion on the sugar estates, leading to their resistance in the form of the well-known protest of 1871, amongst others.

The social stratification is of importance in understanding the role played by the different social classes in the 20th century. For example, within the cooperative movement, and on the sugar plantations where class conflicts between small planters/labourers and the new Indian sugar magnates would take place and finally on the role of the new intelligentsia, especially in the struggles of the labouring classes and on the political front in general.

4.7 Forests, the Environment

### Reference 1235 - 0.01% Coverage

bribes.

### 4.8 Concluding Remarks

After the political turbulence in the 1830s in relation to the abolition of slavery, there would emerge a close collaboration between the Colonial State and the plantocracy during the nineteenth century with respect to economic policies and Labour Legislation. There were major differences at the political level, especially with the setting up of the Royal Commission to enquire into the treatment of immigrants in Mauritius in 1872 and later in the 1880s following the recommendation of R. Thompson to lower the mountain reserve lines.

The British Imperial Government adopted a Free Trade policy, pushing down the price of sugar, the plantocracy adopted a cheap labour policy and, to do so, flooded Mauritius with indentured labourers so as to be able to depress wages. Yet, in the late 1840s, when, for a short spell of time, indentured labourers could bargain for wages and secure rather higher wage rates, the plantocracy succeeded in winning over the colonial estate to introduce legislation from 1847 to 1867 to increase immigration of indentured labour and to have greater control on the immigrant population. This time, the economic weapon of bringing wages down concerned the Old Immigrants and further consisted in bringing repressive legislation against them.

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#### Reference 1236 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

The major social transformation resulting from the parcellisation of land would not affect the fate of the labouring classes, both on and off the sugar estates. Land parcellisation and métayage ensured that the expanding sugar factories were being run as efficiently as possible with sufficient supplies of sugar cane.

With repeated crises in the

#### Reference 1237 - 0.01% Coverage

material for the Agro-Industry.

However, following the economic crisis of 1847, there was a brief revival of some imperial preference for colonial sugar, but by 1874, all sugar tariffs were dismantled. Mauritius then went through some very tough times as from the 1880s till the 1940s. On top of low sugar prices, stiff international competition demanded that costs of production should be reduced. German subsidies depressed world prices which applied to transactions in all markets. Competition from Java and from even Germany and Austria in the main markets of Mauritius required a significant lowering of costs of production. This meant capital investment in the modernisation of factories and improvement in terms of sugar-cane cultivation. In the latter case, very cheap labour was of great help to the plantocracy. In the former case, there was the 'grand morcellement' referred to in Chapter 4, whereby the plantocracy mobilised funds by selling land to indentured labourers. Further, there was the merger of factories which had already started since the 1860s; this process is typical of the Capitalist System, as highlighted at the Mauritius Sugar Industry Conference of 1927 through the following statement:

"In relation to the reduction

#### Reference 1238 - 0.01% Coverage

trade and a Government deficit.

This situation of Mauritius was somewhat typical of a colony which had been the victim of an extreme international division of labour and of international specialisation. As Jean Houbert wrote, "the colonial structure of international specialisation discouraged the diversification of economic growth."<sup>168</sup> Mauritius was on the periphery of the fast developing capitalist economic system on which it did not have any influence, let alone any control. Even the Royal Commission in its report had this to say:

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#### Reference 1239 - 0.01% Coverage

Report of the Royal Commission:

"By the end of the hurricane season, i.e. in April, they have exhausted the funds derived from the last crop and have to apply to a financial agent for assistance. This agent is called in Mauritius a bailleur de fonds. He is often a local merchant or produce broker, he has generally a substantial amount of liquid capital of his own as well as good credit at one or other of the two local banks, and when, as usually happens, the total amount of the money required for the estates which he is financing exceeds his own available resources, he

borrowed the balance from the bank, giving his own name and that of the estate owner as security. The planter submits to the bailleur de fonds a kind of budget for the coming year showing what he expects to have to pay for interest and other fixed charges, wages of employees and labourers, manure, rice and other stores, and in many cases for household and personal expenditure-in fact for all his anticipated outgoings during the year. He gives the bailleur de fonds the selling of the sugar produced on the estate and the right to demand, if necessary, a mortgage on the estate for any balance which may remain owing at the close of the year's transactions. The bailleur de fonds then becomes practically the business manager of the estate. He supplies the owner monthly with the funds required for fixed charges, wages, &c., he buys and pays for the manure, rice, and stores required for the estate, and, as the sugar is produced, he sells it and credits the owner with the amount realised. On all his outgoings in respect of the estate he debits the owner with the interest at the agreed rate, and on the other side of the account credits him with the interest at the same rate on the sums received for the sale of produce. At the end of the year the account is made up and the owner receives whatever balance there may be owing to him, or, if the balance is a debit one, gives the bailleur de fonds security for the amount."

With this system, and given

#### Reference 1240 - 0.01% Coverage

1 9.2

100.0

A feature of interest of the above table is that whilst the four Indians (traders and Indians from abroad) owned estates with an acreage of 3566 hectares (8824 arpents), the other twelve Indians, most probably emerging from among the indentured labourers, owned estates with an acreage of 1676 hectares (4,147 arpents) which is less than half of that owned by former Indians.

#### 5.2.5 The Small

#### Reference 1241 - 0.01% Coverage

#### 2.5 The Small Planters

As discussed in Chapter 4, the class of small planters developed from among the sirdars, the former indentured labourers, the middlemen and free immigrants when the sugar estate owners divided up their lands and mobilised funds to allow them to improve the manufacture of sugar. The small planters generally had problems of access to credit and of having a good price for their canes at the factory. In many cases, the small planters borrowed from the estate owner to whom he had to send

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#### Reference 1242 - 0.01% Coverage

and money in the process.

#### 5.2.6 Labour and Poverty

The impact of the economic depression would be very severe on the labouring classes, whether urban or rural.

In particular, with a view to collecting maximum revenues through import duties and excise duties, the Colonial Government had a policy of preferential treatment for the rich at the expense of the labouring class and the poor. For example, the import duty on tea was 60 cents per kilo, whilst that on coffee was Rs. 8 per

100 kilos, i.e. 8 cents per kilo. And, of course, tea was consumed by the labouring classes rather than coffee. Similarly, the excise duty on rum was Rs. 1.67 per litre, whilst spirits had the same level of import duty. The average total revenue for the three years 1905-08 was Rs. 9,780,055 of which the main sources were:

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2,325,959 883,643

Thus, the labouring classes and the poor who were the main consumers of rum contributed Rs. 1,169,464 to Government revenue, the third biggest contribution after customs duties and the revenue from Government railways. The poor were funding, to a great extent, the economic crisis which was not at all of their making. There was no income tax and the revenue for registration of deeds on transfer of property and succession duties amounted to a mere Rs 106,812. The Commissioners was impressed by the revenue accruing from the excise duty on rum. They wrote:

"The excise duty on rum

#### Reference 1244 - 0.01% Coverage

compassion with their taxable capacity."

Yet, labour was very plentiful, cheap and efficient, the abundance of which contributed to minimising the cost of production of sugar. Hon. P.E de Chazal clearly pointed out that "..., but as a whole the Indian immigrant is introduced to keep down the price of labour."<sup>176</sup> Since the period preceding abolition of slavery, the policy of the plantocracy was to bring down and keep down the price of labour, and this with support of the Colonial State more often than not. To the question from a commissioner "Do you pay indentured coolie a much lower wage than the free coolie?", Hon. P.E. de Chazal answered "Yes, because they came under an engagement."

The low wages in the Sugar Industry seemed to have an impact on the level of wages in the country; when the labourer moved out of the plantation, he would tend to accept lower wages than others and tended to compete more favourably on the labour market.

The use of indentured labour as an economic weapon to keep wages low was yet again confirmed by Hon. E.C. Fraser, Senior Partner of Ireland, Fraser and company, in his deposition. When he was told that there was sufficient "stock of labour" and that the natural increase of the population would keep him going, he even suggested that: "If some arrangement were made when we wanted coolies, so that we could get one of the West Indian Islands, or some other Government, to recruit for us, that would be sufficient."<sup>177</sup>

Yet, the Commissioners were fully aware that more immigration would mean more unemployment and more poverty. The estate owners wanted at all cost an abundant supply of cheap labour during crop time; the consequences for available labour prevailing outside the plantation were irrelevant

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to him, even if that meant more unemployment and more poverty during the inter-crop period. In a sense, it can be said that the estate owners did not mind the 'creation of poverty', if that were the consequence of availability of abundant cheap labour.

The following questions and answers

#### Reference 1246 - 0.01% Coverage

C. Fraser are very revealing:

"Question: If you have a surplus population unemployed, you would naturally have a large number of applicants for Poor Law relief, and if you import all you want at a time you are hard pressed for labour and keep them here, you are liable to that?

Hon. Fraser: Yes, but I

#### Reference 1247 - 0.01% Coverage

Recommendations of the Royal Commission

In various depositions of witnesses, the point was made repeatedly that there were malpractices at the level of the banking system and in the judiciary and proposals for remedial action were made. There were other proposals that recommended the setting up of large central sugar factories. The proposal for the creation of an Agricultural Bank was emphatically made. The Sugar Industry was still in favour of maintaining Indian immigration so as to bring down the price of labour.

Overall, the Commission did not

#### Reference 1248 - 0.01% Coverage

000 to Rs. 50,000.

Thereafter, some of the recommendations were implemented, but not the imposition of the income tax. Moreover, no recommendation for labour per se was made. The Royal Commission did not even try to mitigate the plentiful cheap labour policy. On the contrary, they expressed appreciation of the fiscal squeezing of labour and the poor through excessively high excise duty on rum and an unfavourable fiscal policy. Nor did they recommend any help to the small planters who lost their limited capital (draught animals) as a consequence of surra epidemic. In a sense, the Royal Commission dealt with some of the symptoms, and not the cause of the crisis. They did not refer to the British Free Trade policy and its consequences. They mentioned British investment in Ceylon and Malaysia, but failed to mention that they were in tea and rubber respectively, not in sugar production. On the other hand, they started to subtly sow the seeds of division when they referred to the "indolent character of the coloured Creoles."

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#### Reference 1249 - 0.01% Coverage

Cumulative Deficits on Crop Operations

Once the boom had subsided, the unsettled conditions on the labour market and the post-war increase in the cost of several requirements of production, including the price paid for planters' canes, prevented the industry from cutting down its costs fast enough to offset the sharp drop in sugar prices.

In 1926, the industry obtained

#### Reference 1250 - 0.01% Coverage

in its dealings with Germany.

In 1935, in the USA, the Jones-Costigan Act was passed; the USA Government could then bring together some countries under its influence, whereby it had a preferential price for sugar. These countries included Cuba, the Philippines, Puerto Rico and Haiti. In spite of all the severe problems of unemployment, poverty and labour protests and disturbances, Britain did not react to bring together its sugar exporting colonies in a preferential trade area to the same extent and, hence, to be able to have more substantial preferential tariffs and secure markets.

It would be only by

#### Reference 1251 - 0.01% Coverage

the United States (US) Government.

Private negotiations were going on at the time between the British Government and local authorities which led eventually to the excision of the Chagos Archipelago from Mauritius. It appears that this was a condition set down by the British Government, for it to agree to the demands of the Mauritius Labour party and its allies for Independence for Mauritius.

While they wanted to curtail

#### Reference 1252 - 0.01% Coverage

for nonsugar products, in general.

The fundamental aim of the Government economic policy was to break out of sugar monoculture by means of a diversification of the Mauritian economy, hence the quest for new products and new markets. In the 1960s, this led to the formulation of an industrialisation policy through the establishment of industries that cater for the local market. Meade, for his part, had serious doubts about a strategy of industrialisation based on import substitution in the case of Mauritius on account of the small size of the domestic market and the lack of expertise outside the Sugar Industry. On the other hand, in his Report, Meade referred to the possibility of the establishment in Mauritius of "export platforms" which would draw on the abundant local labour force to produce commodities for export. But the small size of the domestic market, the island's peripheral location and the absence of raw materials set strict limits to the range of commodities which could be produced profitably in Mauritius. In the 1960s, the Government introduced measures to foster the development of industries catering for the local market through the issue of development certificates and restrictions on imports for certain pioneering ventures in industrialisation. But these measures fell far short of the Government objectives.<sup>190</sup>

As mentioned earlier, in its

#### Reference 1253 - 0.01% Coverage

and the sugar producers.<sup>197</sup>

The objective of the policy of economic diversification, advocated by Meade, was twofold: to provide productive employment for the growing labour force, and to prevent a serious deterioration in the island's balance of payments. As the Sugar Industry had virtually reached its natural limits, any further increase in employment would have to be found outside the Industry. This was no easy task. It would require a high

rate of saving to secure the resources required for capital formation. It would also require finding new profitable investment outlets within the narrow confines of the Mauritian economy, and given the virtually total absence of entrepreneurship and technical knowhow outside the industry.

Following the recommendations of the Meade Report, the Mauritian Government introduced, in 1964, a series of measures to foster the establishment of import substitution industries in the island. These measures contained a number of incentives in order to attract new industries: Import duty concessions or complete exemption in respect of raw materials plant and machinery, income tax relief and generous tax allowances on industrial buildings, plant and machinery. After the introduction of those measures, some 70 industrial companies began to operate manufacturing, manufacturing a whole range of products. Between them, those industries led to the creation of approximately 1200 jobs by 1970. This was seriously inadequate to keep pace with the rapidly growing labour force nor could it prevent a decline in real per capita GDP and deterioration in the public finances and the balance of payments. To develop industrial production at the required rate, Mauritius would need to find foreign outlets for a large part of its manufacturing products.

As indicated above, serious constraints

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possibility of the establishment in Mauritius of "export platforms", which would draw on the abundant local labour free to produce commodities for export. The possibility of establishing an export processing zone in Mauritius was first mentioned publicly in November 1969, by Professor Lim Fat, who was the Head of the School of Industrial Technology at the University of Mauritius, after a visit to Taiwan and Puerto Rico. In his address, Prof. Lim Fat referred to the industrial free zones as "a topic which [...] can trigger off serious industrial investment in Mauritius." An additional appeal of Taiwan and Puerto Rico to Mauritian businessmen and industrialists was that both countries showed important similarities with Mauritius. They were large sugar producers which had established dynamic industrial sectors based on the export of manufactured products. There were also the examples of Hong Kong and Singapore which had developed a thriving industrial export economy. By taking full advantage of their strategic position as "relay economies", they were at the forefront of newly-industrialised countries.

The possibility of the establishment

#### Reference 1255 - 0.01% Coverage

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###### 5.5 The Labour Struggles of 1930s and 1940s 5.5.1 The Labouring Classes and the Depression

For the labouring classes, history tends to repeat itself. In the crisis at the turn of the twentieth century, the labouring classes were made to contribute very unfairly, when compared to the capitalist class and middle class, to Government revenue. In the lean years of the economic depression of the 1930s, yet again they would be made to contribute heavily to Government revenue as well as to the Sugar Industry.

The discriminatory taxation policy against the labouring classes was such that about 12 % of the total family income from those classes was paid in different forms of taxation: house tax, wage rate, excise duty on rum and tobacco, custom duty on tea and cotton cloth etc. In their report on the 'Financial Situation of Mauritius' of 1931, I.D. Elliott and N.G. Longhane wrote:

"It is surprising, therefore, to



#### Reference 1256 - 0.01% Coverage

order of capacity to pay.

The Colonial State by squeezing maximum revenue possible out of the labouring classes, was effectively contributing to their impoverishment. So much so, that Elliot and Loughlane wrote:

"The extent to which the

#### Reference 1257 - 0.01% Coverage

the income of the poor."

The alcohol consumption together with physical exhaustion among the labouring classes was causing serious problems to their health; equally there was much concern on its impact to the labourers' productivity. In 1930, P de Sornay wrote :

"Quoi qu'il en soit: l'ouvrier

#### Reference 1258 - 0.01% Coverage

travailleur pendant plusieurs jours."<sup>214</sup>

Further, the labouring classes, especially the agricultural labourers, would have their wages reduced drastically as highlighted in the table below.

Table 26 Distribution of Average

#### Reference 1259 - 0.01% Coverage

abroad should be taxed.<sup>217</sup>

In such economic depression, yet again the labouring classes were squeezed by the Sugar Industry whilst many estate owners could even contemplate capital exodus. 5.5.2 The Struggle of the Labouring classes

The sustained impoverishment of the labouring classes during the 1930s on the one hand, and the emergence of the Labour Party with its public meetings, on the other hand, created conditions for any fire to spread if there were a spark somewhere. Effectively, the 15 % decrease in the prices of the Uba cane variety by the Sans Souci and Rich Fund estates in the District of Flacq, triggered off protest, processions/strikes, marches, and generally agitation for better wages and against unemployment. This agitation started on 3rd August 1937 and progressively spread to the North and the South of Mauritius. Initially, the labourers and small planters were involved; thereafter, other categories of workers, such as estate servants and dockers, became involved. And, at the Union Flacq Sugar Estate, owned by the Gujadhur family, new sugar magnates of Indian origin, shots were fired by the estate management and four labourers/ small planters were killed and several others were wounded. During the autopsy, two were found to have been shot from behind.

The Colonial State obviously reacted by sending in the Police; more importantly, a Commission of Enquiry into the unrest on sugar estates was set up on the 18th August 1937 under the chairmanship of C.A. Hooper. The events of 1937 are landmarks in the History of Mauritius, and in particular, in the History of the Labour Movement. The report of the Commission of Enquiry, referred to as Hooper's Report, would equally bring an entirely new dimension in the way that industrial relations would be dealt with by the Colonial State, and invariably, by the employers, including the sugar oligarchy.

The main grievances of the

#### Reference 1260 - 0.01% Coverage

not give them their due.

Finally, Dr. M. Curé, the founder of the Mauritius Labour Party, made several requests through public meetings, memorandum and to the Commission:220

i. The creation of a

#### Reference 1261 - 0.01% Coverage

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ii. iii. iv. v. vi. Increase in wages of Labourers;

The enforcement of the Ordinance on Minimum Wages of 1934; Creation of Labour Department, with an British Director;

Revision of the constitution of Council of Government with a view to obtaining proper representation of labouring classes;

The introduction of old age

#### Reference 1262 - 0.01% Coverage

i.

Establishment of Trade Unions;

Various measures in favour of Labour; repeal of Labour Ordinance of 1922, inspection of Labour, regulation of the work of women and children on sugar estates etc.

The establishment of a Department of Labour and Social Welfare;

ii. Pay of Casual labourers to be increased and to be made by the estate; iii.

iv. v.

vi.

Institutions of

#### Reference 1263 - 0.01% Coverage

milling by the sugar magnates.

The labouring classes would have noticed that both the plantocracy and the Colonial State did not find it proper to take initiatives to tackle various problems like low wages, poverty etc. It was only through their struggles and loss of lives that there was a major response from the Colonial State. Similarly, in 1871, were it not for the resistance of the indentured labourers, as expressed in a petition with the help of A. De Plevitz and R. Modaliar to the Governor, most probably no changes would have taken place.

The struggles of the labouring classes proceeded further in the years to come. Thus, in September 1938, there were a strike by the dockers, claiming for an increase in wages and better worker conditions. The strike soon began to spread to other sectors, especially to the labourers on the Sugar Estate at Trianon. The Colonial State reacted by very repressive measures: Dr. Curé and Pandit Sahadeo were placed under house arrest, E. Anquetil, a trade unionist and a close collaborator of Dr. Curé, was deported to Rodrigues. The Colonial Government further decided to use direct repressive measures against the strikers: three hundred

were arrested and 'black legs' were used to break the strike.<sup>221</sup> In fact, Governor Sir Bede Clifford asked the Mauritius Sugar Syndicate to recruit appropriate labourers on the sugar estates to step into the shoes of the dockers. He asked Mr Jules Leclezio, of Mauritius Sugar Syndicate "to arrange for the sugar syndicate to get into immediate touch with a selected number of estates to collect all the suitable labour required for unloading the trains and loading the lighters and to arrange with the representatives of the Railways to have these men transferred immediately by rail to the camp which was being provided for them at Quay D."<sup>222</sup> According to R. Quenette, the operation was a success and the Governor succeeded in its policy of 'divide and rule' to be used again in the future, when dealing with labour.

During the years that followed, there were various industrial disputes, especially by agricultural labourers, relating to mainly wages and shortage of foodstuffs. In the year 1943, there were many stoppages at work in the North by agricultural labourers from January to April with little result.<sup>223</sup> As from July, things got worse. There were strikes and cane fields were set on fire; in the end Police fired at a crowd at Belle Vue Harel Sugar Estate, killing three persons, one man, one woman

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#### Reference 1264 - 0.01% Coverage

disturbances, chaired by S. Moody.

#### 5.6 The Response of the Colonial State and the new Labour System

The Colonial State reacted by means of a mix of approaches. There was repression of the workers and of the leaders; there was firing against demonstrators. Thereafter, there were measures, taken following the recommendations of the Commission of Enquiry which revealed an astute approach to control the situation in general, and to control labour in particular. The fundamental issues of unemployment, low wages, poverty and basic rights of labouring classes would not be properly addressed.

The appropriate legislation was enacted

#### Reference 1265 - 0.01% Coverage

Association Ordinance' and the 'Workman

Compensation Ordinance' were enacted. The former Ordinance introduced restrictions on the right to strike by the labouring classes. But the State decided not to have a Trade Unions Ordinance, instead there was the 'Industrial Association Ordinance'. In 1938, the Labour Department was created. All these legislations were to incorporate in law proposals of Dr. M. Curé, Leader of the Mauritian Labour Party. Thereafter, in 1943 and 1944, other legislations dealing with the establishment of the Court of Arbitration and of the Labour Advisory Board were enacted. The latter functioned as 'minimum Wage Board'.<sup>224</sup>

In the debates at the

#### Reference 1266 - 0.01% Coverage

that they should not happen."

Yet in 1938, there were dockers' strikes and in 1943, there were strikes of agricultural labourers and related disturbances in the North which lasted for about eight months. The Colonial Government had simply avoided to address the basic issues of wages, unemployment, poverty and basic dignity and rights of the labouring classes. Instead, it developed institutions to control the labouring classes and to keep them quiet. Moreover, the Colonial Office advised the Governor to make some nominations at the Council of

Government "to provide a useful antidote to the purely political agitations of Curé and his friends."<sup>225</sup> And in 1939, Mr. A. Osman and S. Seerbookun were nominated respectively as representatives of the small planters and the labourers.

Moody's Report conveyed clearly the problems relating the new Labour Department and the employers, on the one hand, and the labouring classes, on the other hand. Thus, the Commissioners wrote:

"The labouring population as a whole seem to have little faith in the labour department. We formed the impression from what we heard that many officers of this Department make the assumption, largely unconsciously, that the main object of their activities is to keep labour quiet at any price."<sup>226</sup>

Most probably, the labour inspectors had internalised the repressive legislation and the repressive control of the Labour leaders such as E. Anquetil and Dr. M. Curé as meaning effectively that Labour should be kept quiet and under control. The Colonial State was obviously trying to nip in the bud the influence of the Labour Party on the labouring classes and its role in defending their interests. In that context, E. Anquetil refused employment as a paid official of the Labour Department.<sup>227</sup> With regard to the employers, Moody's Report highlighted the fact that they were concerned mainly with the abundance of cheap labour, as had been the case so far. The Commissioners had this to say:

"Some employers failed to appreciate the labourers' claim to a higher standard of living, their new sense of non-economic values and their rising demand for leisure and better conditions of employment, but on the contrary, still believed in cheap labour of low standard and forgot the human side of the problems of industry."

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The Labour leaders, E. Anquetil and Dr. M. Curé apart, there emerged other Labour leaders and Trade Unions among Sugar Industry labourers: H. Ramanarain, S. Jugdambi were two such leaders. In 1947, labourers' unions merged to form the Mauritius Amalgamated Labourers' Association, M.A.L.A., which became the Plantation Workers Union in 1959. This Trade Union succeeded in influencing the Government to bring legislation and to take decisions in favour of the labourers during the 1950s. Some of these are:

i. ii. iii. Maternity Leave to women labourers;

A pension to retired employees

#### Reference 1268 - 0.01% Coverage

of the Sugar Industry.<sup>228</sup>

It is appropriate to note that another Trade Union of labourers was formed in 1948, the Mauritius Agricultural Workers Union by the newly-elected member of the Legislative Council, Dr. S. Ramgoolam, together with S. Balgobin and L. Badry.<sup>229</sup> According to C. Bhagirutty, that Trade Union was 'competing' against the M.A.L.A.

During the 1960s, in spite

#### Reference 1269 - 0.01% Coverage

Sugar Industry to:

i. ii.

Provide permanent work to-day labourers who had been present for 80 % during crop season.  
Provide for a severance allowance

#### Reference 1270 - 0.01% Coverage

the Industrial Strikes and Disturbances

The Colonial State's twin policy of repression of workers and their leaders on the one hand, and of control of the labouring classes through Legislation and through the setting up of the Labour Department and other institutions, on the other hand, would eventually triumph.

Wages in the Sugar Industry remained almost constant in real terms until the late 1950s. Meanwhile, there were major political developments leading ultimately to Independence in 1968; the struggles of the labouring classes seemed to have been somewhat marginalised in the process. The Imperial Government had sent experts, like Meade and Titmuss, to study the economic prospects and the social aspects of Mauritius, preceding the country's forthcoming Independence. By 1962, there was a Commission of Inquiry (on the Sugar Industry with terms of reference relating to the same old problems:

i. ii.

Small Planters: access

#### Reference 1271 - 0.01% Coverage

and millers and related problems;

Labourers: wages and salaries.

The Commissioners were T. Balogh

#### Reference 1272 - 0.01% Coverage

small man or his problems."

Simultaneously, the labourer might then still be frightened to approach an overseer or manager on a sugar estate. Thus, as Moody et al. wrote, things were kept quiet. The relative ineffectiveness of the Trade Unions in looking after the interests of their members was obvious to the Commissioners. They found out that:

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#### Reference 1273 - 0.01% Coverage

pursue their personal ambition."<sup>232</sup>

Thus, not just the Labour Department, but also the Trade Union Leadership would help to keep things quiet. Meanwhile, the Commissioners "were both deeply impressed by the existence of misery and hardship among a considerable section of the labour force", and hence, the Commission wrote:

"On the basis of need

#### Reference 1274 - 0.02% Coverage

up.

## 5.8 Concluding Remarks

This chapter has clearly demonstrated that, just as in the 1870s, the driving force for some improvement in the living conditions and wages of the labouring classes was the struggle of the same labouring classes. Not only did the plantocracy still look for “cheap labour of low standard”, but during the first half of the century, the Colonial State contributed to the further impoverishment of labouring classes, through a taxation system which made these same labouring classes contribute more than other social classes in terms of the proportion of their wages and salaries.

The Colonial State clearly demonstrated their support to the plantocracy, whilst it applied repressive measures against the labouring classes and their leaders. Moreover, Imperial Britain adopted a Free Trade Policy which depressed the price of sugar, causing untold suffering to its sugar-producing colonies and, in particular, to the labouring classes. Although the US, through the Jones-Costigan Act of 1934, provided support to producers in its sphere of influence (in the US itself, Cuba, Philippines, etc.), it was only in 1951, that Britain already a weakening Imperial power, introduced the Commonwealth Sugar Agreement.

Following in the footsteps of Dutch and French Colonialism, British Colonialism proceeded with slavery until 1835 and then introduced indentured labour. These two systems were born out of the needs of Colonialism and of Imperial Britain in the context of colonisation. Corresponding social and economic structures were developed: the bourgeoisie, a small minority of ex-colonists, owning land and other means of production at one extreme, and at other extreme, cheap abundant and efficient labour. An intermediate social class of so called ‘Coloured Population’ initially and later, an intermediate/middle class of traders, middlemen, professionals, small planters, emerged. The labouring classes and the poor were like commodities whose price (i.e. wages) were kept low; and generally, there was social exclusion. That exclusion was worse for those of the labouring classes and the poor who were not part of the mainstream Capitalist Sugar Economy. Colonialism ensured this continuity in its structures, with the formal end of slavery, and indentured labour was carried over into the twentieth century.

When there was resistance to that state of affairs, as in the 1930s and the 1940s, the Colonial State used ‘divide and rule’ tactics towards the labouring classes, in addition to its repressive policy.

On the eve of Independence, the monocrop economy still dominated the economic, social and political life of Mauritius. The repression by the Colonial State at the time of intense labour struggles would nip a certain type of leadership in the bud. Meanwhile, an alternative leadership emerged. Further, the Trade Unions were not happy with their leadership, as highlighted by the Balogh Report.

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### Reference 1275 - 0.01% Coverage

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Moreover, the continual policy of cheap labour consolidated the exclusion of those found outside the Sugar Industry, given that it had an impact on the labour market.

For the first thirty years

### Reference 1276 - 0.01% Coverage

small planters community was quashed.

On the economic front, the economy grew from the very beginning, as part of the overall Colonial Empire, the centre of which was Europe. An extreme international specialisation within the Colonial Empire had produced a vulnerable, fragile economy.<sup>233</sup> With political independence, there was nevertheless economic dependence. The consistent policy of cheap labour, the reaping off of the wealth created during decades

and centuries by the Imperial Britain, the Colonial State and the plantocracy, the resulting pressure of social problems, like unemployment and poverty, were the relevant issues.

This was the state of

#### Reference 1277 - 0.01% Coverage

within the British Colonial Empire.

In this last but one Chapter, our research indicates that whilst there have been major achievements on overall economic development, the share and the role of the labouring classes have not been given due consideration. The economic and social structures inherited from the past were not fundamentally challenged. Further economic strategies, which carried on with cheap labour policy, were implemented.

Labour is still considered as a commodity, and there is still a long way for it to be able to have its basic rights and dignity fully recognised.

As a result, gross income

#### Reference 1278 - 0.01% Coverage

The Growth of Export Manufacturing

After the meagre results obtained by industrialization measures, based on import substitution, and as a result of an insightful Report by Professor E. Lim Fat, following his visit to Taiwan and Puerto Rico in November 1969, the possibility of establishing an Export Processing Zone in Mauritius was of immediate appeal to the authorities and the Business Community. The Government produced a White Paper on the 1971-1980 Development Strategy and the 1971-1975 Development Plan, which elaborated on the need to create the appropriate institutional and infrastructural conditions "for a substantial and quick breakthrough in export markets". Starting from a very small manufacturing sector, which employed altogether an estimated 18,400 persons in 1969, the authorities envisaged an increase of 42,000 jobs in that sector by 1980. Of that number, 25,000 jobs were created in that sector. The results far surpassed all expectations. There was a large increase in jobs and a levelling of the island labour force, especially among women who left their former domestic occupations and flocked in large numbers to take advantage of the opportunities offered by the nascent Export Processing Zone.<sup>234</sup>

It is commonly assumed that

#### Reference 1279 - 0.01% Coverage

that of the Sugar Industry.

iv. We can note a fourth phase which began in the 1990s, characterised by a shrinkage of the clothing export sector and a decline in employment, with the closing of numerous businesses including some large foreign firms which had been operating in the MEPZ for a very long time. These firms employed numerous workers on a simple basic, Cut-Make-Trim (CMT) operations. With the changes in the international trading environment and the rise in the cost of labour, these CMT operations have left Mauritius and relocated elsewhere.

Turning now to the Mauritian

#### Reference 1280 - 0.01% Coverage

### Sugar Industry to Cane Industry

In the early 1980s, the Sugar Industry was still the leading sector of the Mauritian economy. The Sugar Industry and sugar-related by-products (spirits and molasses) accounted for about two-thirds of total commodity exports. In 1989-1991, taxes on the Sugar Industry amounted to around 6 per cent of total Government revenue and agricultural operations, predominantly the sugarcane crop and sugar manufacture, produced 22 per cent of GNP and employed 40 per cent of the labour force. Besides, the performance and profitability of the Sugar Industry had a major impact on the Mauritian economy. It was estimated at that time that if the Sugar Industry's output declined by one-third, this would knock out 21 per cent of the goods based exchange revenue and bring a 7 per cent reduction in national income. The drop in income would be even more severe if we include secondary activities linked to the Sugar industry operations.<sup>246</sup>

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### Reference 1281 - 0.01% Coverage

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In the 1982 General Elections, the Labour Party, which had managed the country since Independence, was routed and a new reformist group of politicians came to power, who were intent on bringing changes in the social and political set-up.

In the context of the ferment of ideas and desire for change, following the 1982 elections, there was a change of attitude and policy by the Government in its dealings with the Sugar Industry. In contrast to its earlier passive attitude in disputes between main stakeholders-the sugar estates, small planters and the labour force - the Government henceforth assumed a more direct role in the Sugar Industry's affairs.

In the face of a serious deterioration in the Industry's financial situation, the Government, in 1983, appointed a Commission of Inquiry to do an analysis of the financial problems of the Sugar Industry and the measures to be taken to redress the situation. There was disagreement between the Chairman of the Commission, Dr. Avramovic, and two other members, Prof. Manrakhan and Mr. Sithanen, with regard to the views and recommendations in the Chairman's Report, and Prof. Manrakhan and Mr. Sithanen submitted a dissenting report.<sup>247</sup> According to Dr. Avramovic, the Sugar Industry was in a state of "financial distress". Avramovic advocated, inter alia, the abolition of the sugar export duty on account of its perverse effects on the Sugar Industry. For Manrakhan and Sithanen, the fundamental problem of the Sugar Industry was not financial but one of labour relations.

The Chamber of Agriculture submitted

### Reference 1282 - 0.01% Coverage

#### Sugar Industry at a crossroad

In November 1991, the Chamber of Agriculture published a 100-page report on the Sugar Industry based on a substantial appraisal of the current situation of the Industry and future prospects. The Report addressed a number of problems relating to the prospect of reform of the EU Common Agricultural Policy and the GATT trade negotiations, stagnation or decreasing revenue, the declining productivity of labour increasing costs, mechanization of field operations and the milling sector. A Joint Public and Private Sector Committee studied the Report and made recommendations to the Government. These recommendations contained measures aimed at improving factory efficiency and agricultural production and yields through a rebate of export duty in specific areas.



Reference 1283 - 0.01% Coverage

viability of the Sugar Industry:

a. Ensuring the cost competitiveness of the milling sector through mill centralization; b. The right sizing of the labour force and the creation of a more flexible workforce; c. The mechanization of field operations to improve the cost competitiveness of field work and increase sugar cane yields.

Accordingly, a certain number of

Reference 1284 - 0.01% Coverage

of the Sugar Industry.

The

first element resides in cost reduction. This is achieved via the closure of seven out of the existing eleven factories whereby three of the remaining four would each produce more than 100,000 tonnes of sugar; the right-sizing of human resources in production entities to reduce the level of labour costs, both in absolute and relative terms; recourse to seasonal labour; the substantial reduction of overhead costs at operational, administrative and institutional levels; the reduction of the level of indebtedness of sugar producers and the derivation of full benefits from economies of scale at all levels, namely corporate sector and small and medium planters.

Secondly, another

aspect rests on

Reference 1285 - 0.01% Coverage

being set up by Government.

The seventh aspect relates to additional measures implemented to address the problems posed by the current indebtedness of sugar factories. The last element of the MAAS is to create synergies among the different stakeholders and foster cane cultivation agreements between millers and planters to ensure an adequate supply of canes to the former and remove the sugar loss constraints faced by the latter. This will enhance participation in equity. The eight specific measures of the strategy are essentially meant to regroup small planters, sustain difficult areas under sugarcane cultivation, move out of sugar cane, centralisation, right-sizing of the labour force, increase contribution to national electricity production, shift to ethanol production and optimise the use of sugarcane lands. Among these eight measures, we will focus on the 'pro-poor dimension' aspect of the MAAS which is related to the right sizing of the labour force via the implementation of the VRS, which in reality has given way to a completely different picture.

The cancellation of the Sugar Protocol in 2009 and the sharp 36% reduction in the EU prices between 2006 and 2009 have compelled an urgent realignment of production costs in the Sugar Industry with the price fixed by the EU. The implementation of the measures prescribed by the MAAS and the Action Plan has led to a large retrenchment of the Sugar Industry labour force. For this purpose, the Government and the Sugar Industry finally agreed on a set of conditions and a compensatory package for the loss of employment in order to achieve the required reduction in the labour force whilst preserving industrial peace. This led to the establishment of the Voluntary Retirement Scheme (VRS). The VRS is in line with the right-sizing of the labour force and a reduction in the labour costs in the Sugar Industry. It offers a package to all employees

of the Sugar Industry, wishing for an early retirement. Priority is given to those aged 50 and above. The package includes compensation in terms of cash payment, as well as land entitlement (about 300m<sup>2</sup>), exemption from income tax in respect of the cash and land compensation payable and housing loans at preferential rates.

To date, around 15,000

#### Reference 1286 - 0.01% Coverage

have benefited from the scheme.

Moreover, a major shortcoming of MAAS has been the rather disturbing overlooking of the issue of water rights; sugar factories used to have special water rights, but with their closure, there was the need to look into the issue, given especially the prevailing problem of accessibility to water. Further, the implementation of MAAS has had some significant problems. In the case of métayers, some of them from the South were unhappy that the case of possible buying of their land was not given sufficient consideration by the authorities. As far as labourers were concerned, a rather large number of those who have taken the Voluntary Retirement Scheme II were still not given their plots of land of seven perches by 2011. There are claims that the Government Departments concerned are taking much time to process the dossier.

6.4 The Sugar Sector

#### Reference 1287 - 0.01% Coverage

been involved in VRS II.

VRS II is not financially attractive to the sugar estates in the short term but helps estates to mechanise field operations, which will not be possible, if the vast majority of workers remain as permanent employees, and to reduce labour costs in the long run.

VRS II concerns around 6

#### Reference 1288 - 0.01% Coverage

##### 1 Data and Sampling Technique

This part of the Study assesses the livelihood of the VRS beneficiaries after the sugar reforms. We seek to understand how the changing productive and labour market structures, brought about by the EU sugar regime, affect the family and community relations of the VRS beneficiaries.

The focus was primarily on

#### Reference 1289 - 0.01% Coverage

##### 3 1.1 2.5

Our survey also demonstrates that around 75 per cent of the respondents were previously labourers, around 9 per cent were sirdars, 5 per cent were skilled workers, whilst 4.2 per cent were drivers. This is shown by Figure 6.4 below.

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#### Reference 1290 - 0.01% Coverage

4 9.9 3.6

Further, we study the average wage obtained as per the different occupations of the workers (Table 36). On average, sirdars earn much more than the other categories of workers and the lowest pay was registered by labourers.

In fact the salary of

#### Reference 1291 - 0.01% Coverage

1.5 times higher than

that of the labourer. Drivers on average were earning Rs. 8,750 and a skilled worker's wage was Rs. 8,668.

average wage was Rs. 4,814 which is much lower than a male labourer earning Rs. 6,398. Table 36 Salary before the VRS by Occupation

Salary Before VRS Driver

Gardener

#### Reference 1292 - 0.01% Coverage

Occupation

Salary Before VRS Driver

Gardener Labourer Sirdar

Skilled worker 6.6.2

#### Reference 1293 - 0.01% Coverage

20000 7400

17000 15000 15000

In addition, we find that the female VRS beneficiaries were all labourers and their

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#### Reference 1294 - 0.01% Coverage

Tables 37 and 38 below).

Table 37 Occupation of Respondents' Grandparents Grandfather's Job Number Labourer 69

Percentage 24.4

Planter 3

#### Reference 1295 - 0.01% Coverage

3 3.9

100.0

Grandmother's Job Labourer Gardener Housewife

Unspecified Others  
Total Table 38

Reference 1296 - 0.01% Coverage

Labourer Gardener Housewife  
Unspecified Others  
Total Table 38 Occupation of Respondents' Parents Father's Job Frequency Labourer 191  
Percent 67.5  
Planter 2

Reference 1297 - 0.01% Coverage

1 29.7 100.0  
Mother's Job Labourer Planter  
Housewife Servant Others  
Frequency 148

Reference 1298 - 0.01% Coverage

1 3.9  
100.0  
We note that for their grandfather was essentially labourer, while the grandmother was either labourer or housewife. For their parents, we observe that for 67.5 per cent and 52.3 per cent of the respondents, their fathers and mothers were labourers, respectively. It can be said therefore that the present VRS beneficiaries have taken up the work of their parents which may not necessarily be the case of their children, as seen by Table 39.  
From the survey, 33.6

Reference 1299 - 0.01% Coverage

Worker  
44 34  
16.9  
Planter 3 1.5 Labourer 5 2.5 Student 10 8  
Factory Worker (EPZ Type)  
Salesman

Reference 1300 - 0.01% Coverage

first or the second child

works as planter or labourer. We further note that for a large per centage (42.8 per cent), the first child is manual worker, showing that for most of them, they have been able to secure only an unskilled job with a relatively low pay.

Their children have not been

#### Reference 1301 - 0.01% Coverage

pronounced for the second child.

In fact, grouping the skilled worker, unskilled worker, planter, labourer, factory worker and 'no fixed job', as manual worker, we find that 48.3 % of the respondents' first child is in a manual job. Further, if we include the categories 'others' and unemployed as manual workers, then the per centage go to 70.6 %. Thus, it indicates that out of 10 agricultural workers, 7 have their first child as manual worker, revealing a lack of upward social mobility.

#### 6.6.2.4 Landownership

#### Reference 1302 - 0.01% Coverage

of land.

In the Mauritian

context, land acquisition is an important asset and represents for the elderly, in particular, an undeniable achievement for their hard work on the estates. From Table 40, 51.2% of the labourers currently own a plot of land.

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#### Reference 1303 - 0.01% Coverage

cent of the beneficiaries are

actually working and many of them are women. 78 per cent of women have re-entered the labour market, compared to 68 per cent for men. This may confirm the earlier age of voluntary retirement by female sugar workers relative to the male workers, and often these women are widowed and are the heads of households; so they need to have an important source of income, essentially if they have to cater for their dependent children.<sup>260</sup>

Figure 6.7: Employment Status

#### Reference 1304 - 0.01% Coverage

engage in a similar activity.

Overall, in the end, 76.4% of all the labourers, after having taken the VRS package, found themselves working over again on the sugar estates as casual labourers, no longer enjoying the wages and benefits of the permanent employees.

Table 44 Present Occupations by

#### Reference 1305 - 0.01% Coverage

## THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

### 6.7 The Cheap Labour Policy of the Post-Independence Period 6.7.1 The Export Processing Zone (EPZ)

In 1970, the Export Processing Zone (EPZ) was established in Mauritius and the Export Processing Zone Act was passed. The Act provided major incentives to manufacturers catering for foreign markets. Moreover, firms within the EPZs equally benefited from the availability of cheap labour which came from unemployed workers and women who were outside the labour force at that time.<sup>262</sup> In his paper, Ali Zafar elaborated as follows

"According to interviews with textile

#### Reference 1306 - 0.01% Coverage

earnings into the firm's expansion."

History has repeated itself. About one hundred and thirty years ago, the plantocracy recruited indentured labourers from a vast reservoir of cheap labour found in British India. As a result, the plantocracy accumulated capital which was partly siphoned off to financiers/ investors abroad (Britain and France mainly) and partly reinvested in modernising the sugar factories. The new dimension, this time, lies in the fact that the reservoir of cheap labour came from within Mauritius: women and the unemployed. As argued in chapter 5, unemployment and poverty were the direct consequences of policies of free trade by British Imperial Government and of cheap labour policy of the Colonial Government and the plantocracy.

For this process of capital accumulation to be successful, there was a need to control the labour force and, even to coerce it into accepting special working conditions applicable in the EPZ and not applicable in other sectors of the economy. Certain key features of the EPZ Act of 1970 are highlighted to illustrate the point.

Firstly, the notorious policy of 'double-cut' for absenteeism which was prevalent in the Sugar Industry during the period of indentured labour was introduced in the EPZ Act. It stipulated:

"An employee who without his

#### Reference 1307 - 0.02% Coverage

that time in the EPZ:

"Firms within the EPZ were subject to general labour laws (including minimum wages) but were free to fire workers, to demand compulsory overtime work, and to penalise workers heavily for absenteeism."<sup>265</sup>

There is no doubt that with the establishment of the EPZ in the 1970s and its expansion in the 1980s, unemployment was reduced considerably and the economy benefited substantially, with the growth rate of the EPZ's value added being close to 30 per cent annually between 1983 and 1988. Moreover, employment fluctuates over the years. But the major issue is that this was done in a manner similar to the growth of the Sugar Industry in the 19th and 20th centuries whereby the workers' share in the wealth created was minimal and their working conditions were such that it was to a certain extent like coercible labour.

The Export Oriented Enterprises (as the EPZ is to be known as from 2006) employed, by March 2001, 93,218 workers of whom 30,783 and 62,435 were respectively males and females, giving a ratio of nearly 1:2 in favour of female workers. With the restructuring of the sector, there were many redundancies so that by June 2009, there were 58,066 workers of whom 24,451 and 33,615 were respectively males and females, giving a ratio of 1:14 or 5:7 in favour of female workers. Of the 35,000 workers made redundant, about 29,000 were women and about 6,000 were men. Thus women are the most vulnerable group in the labour force in that sector.

In the process of restructuring, wages went up compared to the 1980s; but nevertheless, in the textile sector, monthly wages in March 2002 went down from Rs. 7,039 to Rs. 6,236 in March 2008 in real terms (using 2001 as base year). The wages reached its March 2002 level in March 2009. As wages go up, the share of females in the labour force in this sector goes down. The obvious question is: "What happens to the 35,000 workers made redundant and, in particular, to the 29,000 women?"

#### 6.7.2 Migrant Labour

There are essentially three sets of problems faced by migrant labour. Firstly, the dormitories provided to the migrant workers are awful and the established criteria are not respected. Secondly, in certain cases, working conditions are not respected. Thirdly, very often migrant workers have two contracts; one which they get in their country of origin which usually provides very favourable conditions (e.g. wages); then another contract which is the real one, and which they have in Mauritius.

Whilst it is rather difficult for the State to intervene in the third problem mentioned above, it is indeed disturbing that Mauritius, having had the experience of both the labour of enslaved people and indentured labour, should allow the awful conditions to prevail. Migrant workers represent an asset to employers because of their understandable 'flexibility' to work many hours in a given week, as opposed to Mauritian workers.

It is the duty of

#### Reference 1308 - 0.01% Coverage

from the Fair Trade Initiative.

#### 6.9 The Labour Struggles of the Post-Independence Period and the New Labour Systems 6.9.1 Post Independence Labour Struggles

The conditions facing Mauritius on the eve of Independence were favourable, not surprisingly, to the development of some major struggles of the labouring classes in the 1970s; other political developments on the part of the Government and the emergence of new political forces/parties,

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#### Reference 1309 - 0.01% Coverage

issues relating to the strike.

In his Report, released on the 17th November 1971, Mr. D. Ramphul declared that the strike was legal and awarded an increase of 15% in the wages of the workers in Public Transport Sector; he criticised the Ministry of Labour for not managing properly the chain of events.<sup>278</sup>

Similarly, in November 1971, the dockers obtained an increase of 12% in their wages, following strikes organised by them.<sup>279</sup> And the Plantation Workers Union, grouping the 'old' Trade Unions of Labourers and Artisans of the Sugar Industry, campaigned for the implementation of this decision for the workers of the Sugar Industry. And effectively, this decision was implemented, for all sectors of the economy, including the public service.

With the growing discontent among

#### Reference 1310 - 0.01% Coverage

571

373,058 12,548

In 1978 and 1979, the Plantation Workers' Union on the one hand, the Sugar Industry Labourers Union (SILU) and the Union of Artisans of the Sugar Industry (UASI) of the GWF, went on strike. In 1978 and 1979, the Plantation Workers Union went on strike to protest against the closure of the sugar factories Solitude and Réunion and to have improvement in various working conditions of the labourers and artisans of the Sugar Industry. The PWU succeeded in winning over some of the demanded improvements. Thereafter, the SILU and UASI started a campaign and a strike on the following issues: the recognition of them as Trade Unions by MSPA, an increase in wages to compensate for rise in cost of living, against the closure of sugar factories, a five-day week for labourers and a 40-hour week for artisans and for a productivity bonus.<sup>286</sup> The Trade Union leaders went

#### Reference 1311 - 0.01% Coverage

views were still relevant.<sup>287</sup>

Another sector where workers were unhappy and went on strike was the Export Processing Zone (EPZ). The EPZ represented a sector where since the 1970s, the Government applied a policy of particularly cheap labour, with rather restrictive legislation concerning overtime and the notorious 'double-cut' system of the period of indentured labour. The Government wanted to reassure the investors in that sector, both foreign and local, but at the expense of the workers. Thus, in 1985, as a result of mistreatment of two female workers, there was a one-day strike; the State decided to send the Special Mobile Force to the sites of work. Similarly, in January 1989, the workers of the EPZ demonstrated against the closure of factories and the Riot Unit of the Police Force was sent and the workers were attacked.<sup>288</sup> It seemed that Trade Union leaders of the Trade Union Federation, FTU, had to give up their struggle on the one hand, and thereafter, there were hardly any strike in the sector.

By the 1990s and 2000s, there were no work stoppages involving a significant number of workers. Moreover, it is of importance to note that, after sometime, political parties, once in power, tend to ignore the legitimate aspirations of the workers as expressed by their Trade Unions. As a result, there is a split between the political party and the Trade Union with which the party was linked previously. The Plantation Workers Union took a decision to sever links with the Labour Party in 1981.

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#### Reference 1312 - 0.01% Coverage

its links with the MMM.

##### 6.9.2 Labour Legislation and Labour System

The Labour Legislation and Labour System prevailing in the 1970s was that set up during the colonial period. During the 1950s and the 1960s, there were some positive developments in the enactment of some labour legislation. In particular, there were firstly the Trade Dispute Ordinance (GN 36) of 1954 which provided for the unrestricted right to strike, except for employees in essential services. Then, secondly, the Trade Union Ordinance of 1965 provided for the right to declare a strike if there is a deadlock at the level of negotiations/conciliation.

The enactment of the Industrial Relations Act of 1974 unfortunately turned the clock backwards in terms of certain basic rights of workers, especially the right to strike, when compared to the legislations of 1954 and 1965. Two examples would suffice to illustrate the point. Section 92 rendered the right to strike ineffective, since the Trade Union concerned had to give a notice of 21 days to the Minister of Labour who, in turn, could refer the case to the Permanent Arbitration Tribunal. The latter could take sometimes two years to



sort out the matter. Further, Section 102 provided for severe penal measures against those who called for, or who participated in, an 'illegal' strike: fines and terms of imprisonment up to one year.  
In its report in 1983

#### Reference 1313 - 0.01% Coverage

the furtherance of his rights."

The Select Committee made recommendations for a new approach to the industrial relations system and proposed a new legislation to be called 'Trade Unions and Labour Relations Act'.

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#### Reference 1314 - 0.01% Coverage

Employment Relations Act of 2008.

It is appropriate to note that, in 1975, the Labour Act<sup>292</sup> was passed and dealt with essentially the rights of the labouring classes. In particular, the Termination of Contracts of Service Board (TCSB) was established within the framework of the Labour Act. That board had the power to enquire into any 'economic' redundancy and make recommendations. It provided for a safeguard for the workers against arbitrary redundancy; but the most common criticism against the TCSB is that it may take a long time before making a recommendation. The Labour Act was replaced by the Employment Rights Act in 2008 and the TCSB had been done away with altogether.

The Employment Relations Act has

#### Reference 1315 - 0.01% Coverage

76, is obviously most appropriate,

especially in the light of recent labour relations crisis in the sector of Business Process Outsourcing. Overall, the Employment Relations Act provides for the right to negotiate and make provision for conciliation and mediation through the Commission for Conciliation and Mediation. The Employment Rights Act has introduced flexibility, as defined, for example, by normal working hours in Section 14. One feature of this 'flexibility' is particularly detrimental to the worker, when it deals with overtime Section 14, Subsection (2) reads as follows,<sup>294</sup>

"A worker other than a

#### Reference 1316 - 0.01% Coverage

the expense of the employees?

Although the TCSB was criticised at the level of implementation (e.g. it may take one year to reach a decision), the spirit underlying the TCSB should not be done away with. According to the Employment Rights Act Section 37.4, termination of contract has been facilitated, which is tantamount to be granting a license to employers to fire. Reasons for a closure should be given so that the State may ensure that such a closure is not merely an excuse for the exodus of capital. The TCSB made legal provision for reinstatement in case of unfair redundancy, but the Employment Rights Act does not. By so doing, the State is creating conditions which cause labour to become a commodity as in the old days of slavery and indenture.

Similarly, in the period 1982

#### Reference 1317 - 0.01% Coverage

consequence of that decision-reversal.

Another major issue facing the labouring classes is the retirement gratuity, whenever there is a factory closure. With respect to export-oriented enterprises, factory closure tends to be a major issue for the labouring classes. A worker may find himself/herself having worked for five factories in his/her working-life. Each time, the factory closes down; the worker loses his/her retirement gratuity. The latter is paid only at the time of retirement. But then, at that time, the worker might have worked for a short time at the factory, say five years, and then obtains retirement gratuity only for these five years. The State needs to look into the matter (See Chapter 7).

6.10 Landownership and Income

#### Reference 1318 - 0.01% Coverage

population. Why is this so?

The Cooperative sector is an area which could have helped in economic diversification and genuine empowerment of the labouring classes. But poor internal management and corruption have prevented a significant take-off of the cooperative movement. Yet it could have helped enormously in the struggle against poverty, social exclusion and in job creation. From Dr. M. Curé to Balogh, suggestions were made to enhance the cooperative movement. Attempts to set up a sugar factory run on a cooperative basis in the 1980s failed because of the resistance of vested interests. In India, there is such a factory in Maharashtra which produces yearly 6,000,000 metric tons of sugar. The State and the new elite failed in respect to the setting up of a sugar estate by small planters on a cooperative basis.

Environmental degradation has been a

#### Reference 1319 - 0.01% Coverage

degradation is now taking place.

The economic and social structure of Mauritian society has not fundamentally changed from the point of view of labouring classes: though there is a larger multi-ethnic bourgeoisie, and a larger multi-ethnic middle-class, yet the economic and social structures are such that wealth and, more generally, the ownership of means of production (land, banks, trade/commerce, factories etc.) has been restricted to a rather small minority involving both the old and new bourgeoisie. The value and belief systems of colonial society and, in general, of Capitalism have permeated the minds of the new bourgeoisie, of the political elite, of the new middle class and even, to some extent, of the population at large. As a result, the strategy for development has been such that the economic and social structures have been consolidated and the root causes of unemployment and poverty have not been tackled. The old system, reformed to a certain extent, prevails, together with its obvious limitations like acute material disparity/ inequality between the social classes, social exclusion, corruption and poverty. The basic rights of the labouring classes as workers are still not being given due recognition. In particular, labour is being treated more and more as a mere commodity. The tendency is that workers are not considered as human beings, but as mere factors of production.

Admittedly, Mauritius being a small Archipelago Republic, there are constraints to its development. But, there are possibilities which should have been explored and which need to be explored, at least to mitigate the problems facing the labouring classes and the poor.

Truth and Justice Commission 438

#### Reference 1320 - 0.02% Coverage

movies [...]”<sup>306</sup>

#### 7.1 Conclusion

Slavery and the indentured labour system in Mauritius were developed and sustained by Colonial Powers: the Dutch, the French and the British. Profit brought the first colonisers to Mauritius and has dominated life ever since.<sup>307</sup> There has been a striking continuity underlying the process of colonisation by each of the colonial powers: on the one hand, the development of specific economic and social structures and, on the other hand, economic exploitation and social oppression and exclusion. A rigid class and racial hierarchy was established.

A turning point was reached in the 1830s with the legal abolition of slavery and the importation of indentured labour from British India. Not only the trauma of slavery, but also the harsh conditions of apprenticeship and of abolition contributed to the leaving of sugar estates by ex-enslaved people. They were paid very low wages based on those of indentured labour and they lost the housing facilities and the land which they had been cultivating for decades. They could not reconcile their newly-acquired ‘legal’ freedom with their loss of basic necessities like land and housing. They were excluded from the new Capitalist System, and most of them earned a meagre living by fishing with primitive equipment and by working as stevedores, drivers and artisans. Many were somewhat permanently unemployed, forming a lumpen proletariat living on the margin of the plantation (sugar) economy.<sup>308</sup>

Moreover, the subservience of the economy to the British Colonial Empire with (amongst others) its free trade policy and adoption of the cheap labour policy and the frequent economic depressions in the international economy and in Mauritius led to a growing lumpenproletariat, together with unemployed ex-indentured labourers. Under such circumstances, other sectors of the economy would progressively come under the fold of very cheap labour, excluding those used to working for somewhat higher wages. Unemployment and poverty were very much prevalent by the last third of the nineteenth century and in the major part of the twentieth century.

Epidemics of cholera and malaria, together with cyclones, would make matters worse for the labouring classes and the growing lumpenproletariat; so much so, that the Royal Commission of Enquiry of 1909 expressed concern about the level of poverty and about the amount of government relief to the poor. Nevertheless, the plantocracy kept on pressing for the importation of indentured labour to sustain its cheap labour policy, creating further unemployment and poverty. And the Colonial State caused further impoverishment of the labouring classes and the poor by levying heavy taxes on them. And the Royal Commission essentially recommended measures in favour of the plantocracy, with hardly any for the labouring classes and the poor.

By then, the internal dynamics of the economic system, through the need to modernise the Sugar Industry to face international competition, created the conditions for the parcellisation of land. In the process, those excluded from the plantation economy did not, and could hardly, become buyers. On the other hand, those mainly from the ex-indentured labourers, the job contractors, the sirdars, the traders, the middlemen would become small landowners. A new social class of small and medium planters was born and a new business community and elite was in the making. The emergence of this new social class did not fundamentally have a major impact on the prevailing large lumpenproletariat and generally on the poor. The overall social

structure would prevail, except with this new transformation: the plantocracy and the Colonial State would continue to be the supreme powers.

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#### Reference 1321 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

Another major turning point in the historical development of Mauritius was the unparalleled resistance of the labouring classes (especially in the 1930s and 1940s) to the oppressive and exploitative system: the strikes and marches of the labourers and small planters of 1937, the strike of the dockers and labourers of 1938 and the strikes and marches of the labourers in 1943. Preceding these events, the Mauritius Labour Party was founded in 1936 by Dr. Maurice Curé, assisted soon afterwards by Emmanuel Anquetil. The Colonial State would react with a mix of approaches: repression, divide and rule tactics and accommodation. A host of changes would

#### Reference 1322 - 0.01% Coverage

controlled by the new bourgeoisie.

Depending on the prevalence of economic boom or depression, the labouring classes face alternate conditions of relative well-being or very hard times. Unemployment and poverty, admittedly on smaller scale than in the 1960s, are prevalent, so much so that social exclusion has not been eradicated. On the contrary, with ultra liberal economic policies and the international economic crisis, inequality is on the increase; factory closures are more frequent and poverty and social exclusion are still entrenched in Mauritian society.

Colonialism, together with slavery and indentured labour, has had consequences of a systemic nature. The policies of the post-Independence era have, only to a limited extent, succeeded in mitigating these consequences. But still, cheap labour policy has been adhered to; in new sectors, like BPO, and in new privatised services, like cleaning, working conditions are awful and, in the latter case, very low wages (about Rs. 3500) prevail. No doubt, improvements have been made in the economic and social fields. But the old capitalist system, reformed to a certain extent, still prevails with its obvious limitations like acute material disparity between the social classes, social exclusion, corruption and poverty.

##### 7.2 Recommendations

In the

#### Reference 1323 - 0.01% Coverage

from various policy decisions lately□.

3. Decent Wage For Decent Work: We should remember that slavery and indentured labour were, amongst other things, labour systems. There should be an overhaul of the labour system. Firstly, a decent wage for decent work policy should be adopted. Whilst the notion of a decent wage will be defined in different sectors of the economy through consultation with labour and capital, the notion of decent work has been defined by the International Labour Office as far back as 1999.<sup>309</sup> It includes, inter alia,

i. rights at work whether

#### Reference 1324 - 0.01% Coverage

old age; iv. social dialogue.

4. Migrant Labour: Review the conditions of migrant labour and their implementation, especially the non-respect of conditions relating to dormitories as well as conditions relating to site of work.

5. Gender Policies: Women and the unemployed are being targeted as reservoirs of cheap labour. Discriminatory wage rates against women and generally occupational segregation should be done away with. Economic structuring, as it has occurred in the Sugar Industry and in the EPZ, is characterized by redundancy, low incomes/wages and high levels of insecurity. Whilst both men and women do suffer from this state of affairs, women workers are much more likely to be the victims.

6. Re-skilling: As far

#### Reference 1325 - 0.01% Coverage

working conditions for the workers.

8. A Paradigm Shift – Cooperative Development: The influence of the State since the inception of the cooperative movement and of the new elite espousing values and practice contrary to cooperative principles and values have had a negative effect on the cooperative movement. There is a need to adopt a new approach to cooperative development. Cooperative development, which respects the cooperative values and principles, as defined by the International Cooperative Alliance<sup>310</sup>, provides for a genuine empowerment of everyone, and certainly the poor and the needy ones. In 1966, the International Labour Organisation adopted the Cooperatives (Developing Countries) Recommendation, 1966 (No. 127), which called for Governments to aid

#### Reference 1326 - 0.01% Coverage

applicable in the Sugar Industry.

11. Labour Market and Employment: Recruitment and selection of employees both in the public sector, and in the private, should be made according to merit. For this policy to be effective, there must be openness in the recruitment exercise so that the broad public is kept aware of all steps and procedures involved well in advance.

12. New Social Contract: There is a need to define a new social contract in Mauritius, whereby the labouring classes are not considered as mere factors of production, with certain obligation/duties, but as human beings with fundamental rights and participating fully in wealth creation of the country. The State should do the needful, in terms both of introducing new appropriate legislation, and of contributing in the development of a new mind-set both in the public and private sectors. The State should further give due consideration to better communication with the people at large and to making the public sector more responsive and welcoming in the provision of various services to the population at large. The private sector must not restrict itself to an eternal cost-cutting exercise in its factories at the expense of Health, Safety and Welfare of the labouring classes.

In the fight against poverty

#### Reference 1327 - 0.01% Coverage

CONSEQUENCES FOR CONTEMPORARY MAURITIUS

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$f_t L$

$P_t (1)$

where  $f_t$  is the total sugar production,  $w_t$  is wage at time  $t$ ,  $P_t$  is price of the commodity produced at time  $t$ ,  $L$  is labour, and

are equal to the value of marginal product of labour or the result of multiplying the number of units produced at the margin by the price at time  $t$  of a unit of that output. Wages are evidently not an issue in a slave system so instead we will account for shadow wage which is a measure of the exploitation of the slave's labour by the owner.

Since the value of the

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$t \square t \square t \square k$

$\square \square \square$

is the marginal product of labour. In other words, wages at time  $t$  (2)

where  $t=L$  is the

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##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

impossible. Then there is no risk discount at all, and equation 2 describes the value of the slave. But then suppose that the prospective buyer learns new information and decides that the probability of escape is actually 0.001 in any given year, and that the probability of emancipation is also 0.001. What is the discount? From equation 4, we know that it is  $(P_e P_m)L-k$ . Imagine that the slave is expected to have a useful life of 10 years; then the discount is  $(0.999 \cdot 0.999)^{10} = 0.98$ . This means that the prospective buyer who believes that the chances of either emancipation or escape are low will pay very nearly the full value of the expected marginal product of the labour of the slave. What if the slave has a 30-year expected useful life? The discount then would be  $(0.999 \cdot 0.999)^{30} = 0.94$ . A 5% discount for the total risk of escape or emancipation would influence the price.

The fully-elaborated model of

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is expected net present value.



The model captures the potential sources of variation in the present value of slave-ownership that one would expect to observe. The easiest, in economic terms, are the 'price of output' and 'marginal product of labour' variables. If the price of sugar, or the productivity of slaves working in sugar, rises then the price of slaves is expected to rise also. The time rate of discount represents the opportunity cost of the labour tied up in labour assets.

The interesting feature of the

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11 M. S. Rivière ed., *Mémoires de M. de la Bourdonnais*, 2005, Editions Le Printemps. 12 R. Allen, 'Slaves, Freedmen, and Indentured labourers in Colonial Mauritius', 1999, CUP.

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Ransom, Roger L. 'The Historical Statistics of the Confederacy.' In *The Historical Statistics of the United States*, Millennial Edition, edited by Susan Carter and Richard Sutch. New York: Cambridge University Press, 2002. 41 See Appendix 1 for a detailed theoretical framework on the value of slave labour.

42 Data was collected by

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221 J. Chan Low. The Colonial State and Labour protest: The Hooper Report in historical perspective. 65th Ministry of Labour and Industrial Relation. 2003. 222 R. Quenette. Emmanuel Anquetil, MGI, 1985 p. 59. 223 Report of the Commission of Enquiry with the disturbances which occurred in the North of Mauritius in 1943. 224 Ministry of Labour and Industrial Relations, 65th 225 R. Quenette, op. cit. Anniversary, 2003. 226 Report of

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on the IRA, op. cit. 292 Revised Laws of Mauritius 1981, Industrial Relation Act Labour Act. 293 Employment Relations Act, 2008. 294 Employment Rights Act, 2008. 295 Australian Services Union-Good

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were later rebuilt of stone. By April 1847, ten chapels were under construction in the neighbourhood of Port Louis, and by 1848, there were forty. In the following years, chapels were built in rural districts also. The ex-slaves contributed by providing as much land and material as they could while those who were poor donated of their labour. Impact of Lay Auxiliaries on

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of them were already Catholics.

In the wake of the abolition of slavery and the expansion of the Sugar Cane Industry, an ever increasing number of extra workers were needed. So, the British started the introduction of indentured labour from India (1829-1923). In 1861, the Indian immigrants had reached a total of 192,634 of a population of 310,050 inhabitants.

In such circumstance, Bishop Collier

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des Malabars at Plaine Verte;

□ The Catholic Indian immigrants who came with the other indentured labourers after the abolition of slavery;

□ The Indian indentured labourers who married young Catholic girls and who embraced Catholicism;

□ And finally the large mass of indentured labourers.<sup>55</sup>

The demographic burden which the

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who number 51,955."<sup>57</sup>

With regard to the statistics of 1851 (see table below), established according to religious faiths, it is easy to notice the evolution of the Indian mission in 1891. Although we note, from the beginning, the " prodigious success " of the missionaries, the difficulty of getting in touch with indentured labourers because of their dispersal on the sugar estates and their work schedules, suggest that their 'success' with the Indians was more real in Port Louis than anywhere else. However, IndoCreoles at Camp des Malabars were more easily converted because of their mixed origins than the Indian immigrants, less inclined to lose their identity by adopting a faith that was perceived as Western and that was not well-tolerated.<sup>58</sup> Those who, comparatively, accepted more easily to be converted were the Tamils.

Mauritius (1846-1891)

Years General

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##### COLONIALISM – A SCRAMBLE FOR SOULS

detrimental to those schools. Arrangements were, therefore, made for priests of any Christian Denomination to give religious instruction to Government schools for one hour a week, and half an hour was allowed daily for the preparation of work set in connection with such instruction. This removed the disadvantages concerning religious instruction under which the Government schools had laboured.

2.5 Church contribution in

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## THE CATHOLIC CHURCH AND POWER

The questions of religion, political control and social conflict, all form an undefined web which we must often tear apart for the sake of analysis. The foreign missionaries were servants of God, but they were also partners of the white elite and Colonial Administrators. Their converts became children of God who had to renounce some of their customs for the sake of Redemption. The Colonial State could not subsist without the services of its religious devotees; yet it could never wholly bind them to apply their labour to its cause. The search for a simple

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#### FINDINGS AND RECOMMENDATIONS Executive Summary

Mauritius is a country which has known the worse forms of injustice during its 400 years of history, marked by slavery and its aftermath and the indentured labour system. That this country is now considered as one of the most avant-gardiste in the field of Social Justice is in itself a great feat. Much water has, however, passed

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the assets of their owners.

Assigned to hard manual labour during long hours, slaves received no wages for their labour, had no legal personality and could not possess anything. Most slaves had no rights to family life. Slaves had no right to surnames, but to first names only, given by the owner. Slavery was marked by the denigration of African and Malagasy culture and the subsequent loss of this identity.

The laws governing slaves conferred

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white persons in Mauritian history.

As regards ex-slaves left stranded after the abolition of slavery, this liberation was more a poison chalice. With the arrival of indentured labour from India, they lost all hopes of employment. Housed in ramshackle premises, they were easy victims of epidemics which occurred in the second part of the 19th century and were largely decimated

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economy, i.e. sugar production.

The advent of indentured labourers, who came from India and who were themselves subject to some of the worst forms of ill-treatment, is another landmark. The history of Indian immigrants is a tale of injustice and misery. Leaving his wife and children behind, the Indian labourer was made to work odd hours in elementary amenities, he received part

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and he suffered corporal punishment.

Fortunately, the Indian immigrant found in Alphonse Von De Plevitz a friend who showed marked sympathy to their cause. He was appalled by the treatment meted out to Indian labourers. Although married to a Franco-Mauritian girl, whose parents own an estate at Nouvelle Découverte, he encouraged them to put up a petition to Queen Victoria to redress the wrong done to them. The petition received 9401 signatures. The British Government reacted positively and appointed a Royal Commission to inquire into their complaints and to make appropriate recommendations. This was the first quest for Justice in Mauritian history. The findings and recommendations which ensued went a long way to put a stop to the inhuman treatment meted out to a community of individuals.

Political Reform

Although ex-slaves

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and based on specific criteria.

In 1909, another Commission was mandated by the British Government to inquire into the critical financial situation of the colony, after the passage of the violent cyclone of 1892 and the conditions prevailing on the labour market. The Commission recommended the cessation of the Indian immigration but observed that, in spite of the fact that Indian immigrants and their descendants represented around  $\frac{2}{3}$  of the colony's population, they had no representatives in the Legislative Council. The Commission recommended the restoration of all civil rights to indentured labourers and their descendants.

In order to facilitate the

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Trade Unions and Social Unrest

Much before the constitution of the 1948, there was widespread discontent in the country and the advent of Trade Union Organizations helped to prepare the ground for better conditions in the Sugar Industry. The Labour Movement was officially launched in 1936 in Port Louis amidst 30,000 militants. In 1937, a riot took place at Union Flacq where labourers and small cane planters assembled to voice their grievances. While attempting to penetrate on the premises of the sugar factory, shots were fired and there were 4 casualties. A Commission of Inquiry, headed by the Procureur General Hooper, was appointed which brought about certain measures to guaranty the marketing of cane by small planters 'the Cane Sale and Purchase Ordinance of 1939' and the recognition of Trade Union Organisations and improved working conditions and the pay of artisans and labourers.

A similar riot occurred in 1943 protesting against conditions of work and pay on sugar estates, in view of rocketing prices of consumer goods. This also culminated in a loss of life, including one pregnant woman named Anjalay Coopen. Further measures to improve conditions of the labouring class were recommended by an Inquiry Commission headed by the then Colonial Secretary, Mr. S. Moody. The Commission recommended, inter alia, the setting up of Industrial and Arbitration Tribunal and an increase of wages by 10%.

Before 1940, apart from limited health care services, provided by Government through hospitals and dispensaries, poor people lived very much as they did in the days of the 'survival of the fittest.' Infant mortality was high, while life expectancy was short. Although a Poor Law Office was created as far back as

1904, it was not until 1940 that a Public Assistance Department was set up to help the needy. More primary schools were created in order to ensure basic education for the labouring class, workers and artisans.

In the field of constitutional

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in their newly-acquired colonies.

But the driving force behind the Code Noir was, not to evangelize people in the newly-acquired territories as the Papal Bull of Nicolas 11 stipulates, but to help in acquiring the much-needed raw materials, and tropical products for their rising economies. Slavery, slave trade and coolie trade and indentured labour systems were all intricately linked with the object in view.

\*Bernardin de St Pierre, the

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behaviour of the slaves.<sup>8\*</sup>

Although slaves per se were not assimilated as human beings, but as mere movables, surprisingly they had to be baptized as Roman Catholics. As such, they were not expected to work on Sundays and public holidays. Slaves would not receive any pay for their labour but were only housed, fed and provided with clothing twice yearly.<sup>9</sup> Slavery saw the dislocation of family life as husband and wife did not cohabit in the same house, but in different places of the domaine.

The French colonial period is undoubtedly the darkest period in Mauritian history, when it comes to the ill-treatment inflicted on human beings, to keep the slave population at bay. All rights conferred on slave-masters under the Code as enacted by the Letters Patents in 1723 were fully implemented; corporal punishment, mutilations for the slightest offences and the death penalty were the rule. Over the years, several clauses of the Code Noir were amended to reinforce control on slave labour and to act as deterrent against marooning which has always been a scourge for the authorities.<sup>10</sup>

The Law governing Emancipation passed

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the advent of trade union

It was not before 1936 that the Mauritian society witnessed new configuration and consciousness of workers conditions. This occurred with the advent of the introduction of trade unions and the foundation of the Labour Party by Dr. Maurice Curé and Emmanuel Anquetil. This was perhaps the direct result of very low wages, vagrancy and indifference of the Government of the day more inclined towards the interest of sugar barons. Several strikes by workers struck the island claiming justice causing lost of life and damage of property. Protests also came from small planters as it had become difficult to survive with the meager revenue from the cultivation of sugarcane. In the absence of regulations concerning purchase and sale of cane in different factory areas, a drastic cut of 50% on the price of cane belonging to the Uba variety was effected. This added fire to the flame.

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## SOCIETY UNDER COLONIALISM - SOCIAL JUSTICE

The Labour Party campaign had a tremendous impact on the mindset of the people, and it was the first time that an open confrontation took place between sugar barons and the masses which culminated into mass protest at l'Union Flacq where an angry crowd wanted to damage the factory. All the labour disturbances and protests culminated in the setting up of the Hooper Commission which published its Report in March 1938. Similarly, the Moody Report was published in 1943 to shed light on the reasons of labour unrest which occurred at Belle Vue Harel in the same year. It was during the confrontation of labourers and police that Anjalay Coopen and 3 other workers were shot dead. The Commission headed by Moody recommended legislation governing the purchase and sale of cane, the setting up of Industrial and Arbitration Tribunal and an increase in wages up to 10%. The first half of last century was thus marked by labour consciousness and opened the way for more social reform and better bargaining power of the labouring class including artisans and general workers.

### 4.3 Political reform

In

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of the Mauritian Welfare State.

Following the cyclone of 1892, the Sugar Industry was seriously hit and in need of capital for reconsolidation and expansion. Request for assistance from the United Kingdom met with reticence. In 1909, however, the Colonial Office appointed a three man Commission headed by Sir Frank Swettenham to enquire into the financial situation of the country and all problems connected with labour and immigration. The Commission submitted various recommendations and showed its apprehension concerning the idea that in spite of the overwhelming majority of people of Indian origin in the colony. These were not represented in the legislature. It is the Royal Commission of 1909 which recommended the cessation of labour recruitment from India. This marked a new era in Mauritian history. The First World War (1914-1918) did not slow down the fighting spirit of the emerging class of politicians which, hitherto, comprised the Indian elite.

### 5.1 The laying of

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of a more egalitarian society

In their manifesto of 1948, the Labour Party already had plans to introduce Social Security, Old Age Pension, compulsory education, low-cost housing and expansion of co-operatives for small planters. Further reforms in education and health services were also advocated.

Indeed, this period in the

#### Reference 1364 - 0.01% Coverage

of life of the people.

Long before the Second World War, a wind of change was blowing in the British Empire and a more humane approach for the old and vulnerable class was advocated. This was in line with the growing influence of the British Labour Party under Ramsey Mac Donald and others.

Some of the measures for

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##### Fabianism and the Welfare State

The carving of Social Justice in Mauritius was the direct result of the political philosophy of the Founding Fathers of Mauritian Democracy. In times of economic recession, characterized by massive unemployment, people were given unproductive jobs just to help stay out of absolute poverty and keep the economy running. Major political figures, such as Maurice Curé, founder of the Labour Party, Emmanuel Anquetil, Guy Rozemont and Dr. S. Ramgoolam the country's first Prime Minister, profoundly influenced policies towards Social Justice

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#### Reference 1366 - 0.01% Coverage

##### Income Maintenance and Social Security

Social Security has its origins in the Poor Laws of Colonial Mauritius, all enacted under the guidance and approval of the Colonial Office. It was under the pressure of the Labour Party that much legislation came into force in the Colony in this field.

Although many measures were gradually

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after the Second World War.

In 1965, there were about a hundred Unions registered in Mauritius, as opposed to only about 25 in 1948.4 The first Law which revolutionized labour / employment relations in Mauritius was the Security of Employment (Sugar Industry) Ordinance which came into force in November 1963. It was a measure against growing unemployment which provided for work by employers in the Sugar Industry and provided for employment during the intercrop season. The Act was further amended in 1966 to consolidate provision of work during the intercrop season.

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of the standard of living.

Regulations were also made in relation to termination of contract by the Industrial Relations Act (IRA) 1973 and the Labour Act 1975. The Export Processing Zone Act was passed in 1970 for employees in the Export Processing Zone Sector. This Act was replaced by the Industrial Expansion Act (IEA) 1993.

Termination of contract of Public

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work environment came into force.



The two most recent pieces of legislation in the field of Employment in Mauritius are the Employment Rights Act 2008 and the Employment Relations Act, 2008, which came to replace the former Labour Act, 1975 and the Industrial Relations Act of 1973 respectively. These Acts came in at a crucial moment in the history of the island in order to respond to the new work environment, as a result of forces of globalization.

However, there have been widespread

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##### 7.3 The Class Struggle

The establishment of the Labour Party by Dr. Maurice Curé in 1936 was a breakthrough in the fight for Justice by artisans, general workers, labourers and small planters the latter being mostly Indians. The strikes which followed shortly afterwards sowed the seeds for a Constitutional Reform which ultimately led to the Independence and the birth of a new multiracial and multicultural democratic country.

Following the unprecedented success of the Labour Party at a rally held on 1 May 1938, there appeared a determination on the part of workers and artisans to put a stop to injustices meted to them. On the plutocracy side, there was an effort to stop the awakening of the proletariat. Dr. Curé became the main target of newspapers and a private radio who were supporters of the oligarchy. Varma<sup>6</sup>, has described in detail the injustices meted out to Dr Curé: how the money he collected from labourers could not be deposited in a bank account; how a Law was passed to inquire into the activities of 'Société de Bienfaisance'; the boycott of the newspaper Le Peuple Mauricien; how the money collected from workers was confiscated; and the manner in which his appeal against the judgement of the Supreme Court was rejected by the Privy Council. Such a state of things simply describes the tug-of-war between capitalists who were backed by the Colonial Government and the Labourites.

##### 7.4 The New Constitution

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Empire, a request for better

representation of the masses met with a more favourable response by the United Kingdom. Regarding Mauritius, a new Constitution was adopted, after which the first popular elections were held in 1948. During the elections, the Labour party defeated the traditional Conservative Party. Dr. S. Ramgoolam, Guy Rozemeont, Edgar Milien and R. Seeneevassen were among those who won the day. This marked the end of 63 years of Conservative rule. According to Varma<sup>7</sup>, this was a period when all separatist tendencies based on ethnicity, race and religion, were replaced by a sense of patriotism inspired by a class struggle.

##### 7.5 Ethnic struggle and

#### Reference 1372 - 0.01% Coverage

inspired by the Parti Mauricien

The Conservatoire defeat in the 1948 elections was a clear signal of popular support for the Labour Party. The Parti Mauricien, later on Parti Mauricien Social Democrate, used a political strategy by branding the whole Hindu population as communalists and, at the same time, asking all non-Hindus to unite. The political awakening of the Indo-Mauritians was interpreted as the rise of Indian Nationalism. The opposition expected the Indo-Mauritians to join them in a common front against what was termed as a Hindu-dominated Labour Party, the aim being to create a rift between Guy Rozemont and Dr. Ramgoolam. The

PMSD thus weakened the Labour Party, by using the communal argument, and it championed the cause of all minorities, including the Muslims. This part of the history of Mauritius is perhaps the darkest in terms of national unity and nation-building.

#### 7.6 Ethnicity, Political Parties

#### Reference 1373 - 0.01% Coverage

##### COUNTRY: POVERTY AND EXCLUSION Introduction

The track record of Mauritius in the field of Social Justice is a really impressive one. It has won recognition the world over. Contrary to the opinion of Meade<sup>1</sup> and Titmus<sup>2</sup>, Mauritius has made it a success. One of the cornerstones of success is undoubtedly the peaceful coexistence of the various ethnic groups in a vibrant democracy. Fabian Socialism, inspired by the British Labour Party, even prior to Independence, has had a tremendous influence on policy-making, and all Governments to date have openly professed economic growth with Social Justice.

However, sadly, as is usually

#### Reference 1374 - 0.01% Coverage

##### of Mauritius – The Chagos Saga

The Chagos Archipelago was part of the outer islands of the Colony of Mauritius. However, in the wake of an independent Mauritius, the British, contrary to U.N resolution regarding the dismantling of territories of any future State, decided to separate the Chagos Archipelago as part and parcel of the Colony of Mauritius. The Chagos Archipelago, very much like Rodrigues, Agalega, was inhabited by people of slave descent who laboured in the Coconut and Fishing industry in extremious conditions. The decision of the then Colonial Office to sever connections with the Mauritius mainland is a dark spot in Colonial History of the British Empire. As a consequence of the British decision, in 1970, thousands of them were deported to Seychelles and to Mauritius. They were uprooted from their motherland Peros Bahnos and Salomon Islands in the Chagos Archipelago, Diego Garcia. Following an agreement between USA and UK, shortly afterwards, Diego Garcia was ceded to USA for the establishment of a military base with sophisticated armaments. In 1972, the British Government paid a sum of 650,000 pounds sterling to the Mauritian Government destined for the displaced Chagossians. In 1982, the UK Government paid a further sum of Rs. 100 million to the Chagossians.

The Chagossians are the descendants

#### Reference 1375 - 0.01% Coverage

0#v=onepage&q&f=false

21. Richard Blair Allen (1999) Slaves, Freedman and Indentured labourers in Colonial Mauritius, University Press, Cambridge. p.55-79

22. Tinker Hugh (1974) A New System of Slavery: The export of Indian Labour Overseas. 18301920. London, Oxford University Press. 1974.

23. See PROCUREUR GENERAL vs

#### Reference 1376 - 0.01% Coverage

V3/2 PP. 67-74

"L'émancipation des esclaves eut lieu à l'île Maurice et dans ses dépendances en 1834. Mais ils furent tenus de travailler encore cinq années chez leur ancien maître comme «apprentis labourers», travailleurs en apprentissage. Ce rapport est celui d'un fonctionnaire colonial, venu s'assurer à l'île Rodrigues des conditions faites aux apprentis. Il comporte en outre des données intéressantes sur l'économie de l'île qui permettent à l'auteur de conclure à la possibilité de faire de Rodrigues le fournisseur attitré de l'île Maurice en poisson et produits d'élevage. En ce qui concerne l'état d'avancement de la colonisation de l'île, les chiffres fournis par le rapport permettent de dire que celle-ci est encore assez peu développée. Le cheptel est peu nombreux, les productions végétales juste suffisantes. Or, le décompte des apprentis fournit le total de 127 adultes dont 99 occupés aux travaux agricoles, auxquels s'ajoutent 42 enfants et 13 hommes libres. C'est dire que la population totale de l'île ne doit même pas atteindre 300 habitants à cette date.» (1838)

"On the three first mentioned

#### Reference 1377 - 0.01% Coverage

the establishments of this island.

To prevent the continuation of illegal labour, I minutely explained to the apprentices the nature of their rights in every respect, and I strongly represented to the different managers the consequences of the infraction of the law."

Anderson recommended that the cultivation

#### Reference 1378 - 0.01% Coverage

Government Offices (leskelet dan larmwar).

Agriculture never sustainably took off in Rodrigues because the many reports written over the years were either never implemented, or because of mismanagement and lack of proper monitoring. In the late 1960s and early 1970s, Rodrigues was hit by a successive number of tropical cyclones and long periods of drought and as a relief measure, the Government of Mauritius decided to massively employ labourers to carry out menial tasks. All of a sudden, agricultural lands were deserted and every young man's aspiration was to have a job in the Public Sector. The stigma emerging during slavery that tilling the land was a demeaning job.

Decision in the late 1960s and early 1970s to massively employ labourers by the Government as a relief measure, due to climatic catastrophes, has instilled in the mind of the Rodriguans "une mentalité d'assistés". This mentality still perdures as everybody's aim is to secure a job in the Public Sector thus ensuring a retirement pension.

However, there have been tremendous

#### Reference 1379 - 0.01% Coverage

to ensure their social inclusion.

Most teachers were matter-of-fact about descent from slave labour, though during the focused group discussions (FGD's), we did not observe that this same attitude was handed down to the students, who, for the most part, seemed confused by the question, or rather not to have given the subject any consideration. The ambiguity of response to this question must raise speculation as to how exactly they are taught to look

upon themselves, and the extent to which a specifically Rodriguan identity is recognised and respected in Rodrigues. In schools (whether in Mauritius or Rodrigues), Creole children seemed often unaware of their mainly slave ancestry- neither were they aware of the contribution of their ancestors to the economic development of these islands. This report will follow the general outline of the Questionnaire, with interspersions from the FDGs, where relevant.

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#### Reference 1380 - 0.01% Coverage

the next 4 propositions, that:

-PVE students were poor performers at C.P.E.; -they came mostly from disadvantaged backgrounds; -most PVE parents are not interested in their children's studies; and -they have very little chance to find a job in the labour market.

According to the students in

#### Reference 1381 - 0.01% Coverage

of integration with Great-Britain.

When the Labour Party (the Parti de L'Indépendance) under the leadership of Sir Seewoosagur Ramgoolam won the elections for Independence, the Rodriguans strongly opposed that the National Flag be raised in Rodrigues on the 12th March 1968, the day Mauritius became independent. There was a great resistance and soldiers from the mainland were deployed to maintain Law and Order in Rodrigues.

All these did not favour

#### Reference 1382 - 0.01% Coverage

Australia in the early 1970s.

At that time, few Rodriguans were employed in the Public Service. The majority of the population was farmers and fishers. They exported to mainland Mauritius, farm products such as red beans, onions, garlic and live animals and marine products, such as salted fish and dried octopuses. In those days, Rodrigues was considered as the "greniers de Maurice". Unfortunately a number of successive devastating tropical cyclones in the late 1960, followed by a very severe drought in the early 1970s, totally fragilised the Rodrigues' economy, and consequently the Government had no other alternative but to employ practically the farmers as labourers in the Public Service Thus a new mentality

was installed in the Rodriguan

#### Reference 1383 - 0.01% Coverage

for good.

#### 10.2 Religion

Rodriguans are of mixed origin and fall into two distinct groups; the descendants of the first Europeans settlers and the descendants of the first European settlers, and those of African and Malagasy descents who were ex-slaves on the sugar estates in Mauritius. As Rodrigues never undertook the extensive plantation culture, this explains why the Indian indentured labour never took roots in Rodrigues. The population stands

about 37000 and is predominantly Christians, the majority of whom are Roman Catholics. There are a small community of Anglicans, legacy from the British Colonial rule and an even smaller community of Hindus and Muslims who were amongst the latest to arrive in Rodrigues as traders in the late 1890s. The Chinese traders also arrived around this period, but they right at the start fully-integrated the "Creole" community by marrying Rodriguan women. Churches are well attended on Sundays, and it is the main regular occasion for Rodriguans to dress up on an island where leisure activities are rare.

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#### Reference 1384 - 0.01% Coverage

Pipon's bailiff, returned to Rodrigues, after a stay in Mauritius, and opened a fishery with Furcy Labour who lived at 'Les Soupirs' in the 1840s.<sup>20</sup> Table 2 has already drawn

#### Reference 1385 - 0.01% Coverage

notes in 1967: "Though extremely spread out, they are represented by a small number of names, common in Réunion, and perhaps also in Mauritius: Roussety, Bégué, Rivière, Meunier, Legoff, Perrine, Lévêque."<sup>23</sup> We know some of the dates when the early settlers bearing European names, emigrated from Mauritius, or from elsewhere, to Rodrigues: Charles Weder (before 1827); Mathieu Roussety, a master-fisherman and trader (about 1842); his brother Auguste Roussety (1844); Jean-Marie Meunier (about 1840); Zéline Labour (about 1840); Bercy Labour, with four young children (1845); Désiré Calamel (1845); Charlotte and Marie-Louise Perrine (1846); Marie-Jeanne Geneviève, with a daughter (1846); Ferdinand Bonnelle (1846); Clodimir and Emilien Jean (1846); Louis François, his wife and five children (1848); Pierre Raffault (1848); the Legoff, Lévêque, Ithier, Castel and Allas families (later than the 1840s).<sup>24</sup> Descendants of the early Café au lait settlers, as they are known, or Rouges – because they grow red in the sun – gladly recall the adventures of their pioneer ancestors (see below for some families). Parish Registers of Births, Marriages and Deaths draw attention to the evolution of Rouge families. Gabriel Bégué, the ancestor of a powerful landed family, settled in 1825 on land now forming part of the Parish of St. Gabriel, which was bought or acquired, in a partexchange deal, by the visiting priest, Father Thevaux (Parish priest from November 1850 to May 1851). He erected a "latanier hut 50 ft. long by 24 ft. wide", a primitive Church which became known as St. Gabriel from "the owner's name" – the Saint being later declared the patron saint of Rodrigues.<sup>25</sup>

There is much evidence, oral

#### Reference 1386 - 0.01% Coverage

have slowed down as the nineteenth century wore on.<sup>29</sup> From his analysis of statistics available, Dupon was able to assess that "if one examined the origins of deceased people, one noticed that, from 1860 to 1865, 40% to 50% were born in Mauritius [...] However, from 1870 to 1875, this percentage dropped to 10%."<sup>30</sup> Moreover, Rodrigues seems to have missed out altogether on Indian emigration and Indentured Labour in the 19th century. In 1962, the first official Census that allowed individuals to declare their belonging to a community, indicated that of a total population of 18,333 inhabitants, 117 deemed themselves to be Hindus and 378 Chinese.<sup>31</sup> Indeed, early Indian and Chinese emigrants to Rodrigues had blended well with the Creole Mass through

intermarriage. Early Chinese and Indian settlers were actively engaged in Commerce and Trade, a "system of barter and credit [that was] all one-sided", according to Bertuchi. For example, Acacia seeds, collected and used for this barter, were exchanged against the necessities of life. 32 While the arriving Mohammedans retained their religion, North-Coombes explains that "most of the Chinese have now embraced Christianity, either as Anglicans or as Roman Catholics, and most of them now regard themselves as Rodriguans. Many of them have married native Rodriguans and live very happily with them." 33

### 3. EDUCATION

The role of

#### Reference 1387 - 0.01% Coverage

marriage to métis is also

brought out. To support such large families, 'White' men had to fish, as well as set up plantations. The son of Elizène, Fernand, acquired land on Ile aux Chats, where a little maize was cultivated. The 'Rouges' employed 'black workers' as domestics and labourers, but treated them well, feeding them and allowing them to grow their own crops. Rice was a special treat for all and was served only once a week on Sundays, on account of it having to be imported. Domestics were paid wages on a daily basis, and often workers were given a loan of the masters' boats to go fishing. The 'Montagnards', through the system of 'barter', traded in maize and crops to the shopkeepers (Indians or Chinese) in return for other goods. Y. pointed out that this was very much to the advantage of shopkeepers.

In his youth, Y. stated

#### Reference 1388 - 0.01% Coverage

the psyche or character of

descendants of slaves. X., Y. and Z. pointed out that, rarely – if ever – had he heard 'Campagnards' state: "I am a descendant of slaves." Local historians do not dwell on slavery, and no one seems to discuss at length the implications of the 'Truth and Justice Commission'. Artists in Rodrigues even look at slavery with a pinch of salt and have published amusing tales concerning freed slaves, according to Z. As for local politicians, they do not put undue emphasis on communalism or the legacy of slavery. For all that, to a candid observer on a visit, Rodrigues does suffer considerably in its present infrastructures (social, physical and educational) 52 from the fact that it has been, and is largely, a 'Creole' island blighted by its past. Would the island lag so far behind, if it had been populated by large numbers of Hindu/Moslem labourers, or indeed 'White' colonists?

It is manifest

that Rodrigues

#### Reference 1389 - 0.01% Coverage

Rodriguan society. SLAVERY IN RODRIGUES

Agriculture and fishing were high-intensity in terms of human labour. Hence, when the colonisers settled, they introduced slaves as domestic and agricultural labourers. The slaves were first introduced under the French colonisation. Berthelot (2002, p. 65) wrote that:

"[...] Le doc no. 16 datant

#### Reference 1390 - 0.01% Coverage

as well as some freed).

Since there were no sugar plantations in Rodrigues, during interviews, respondents stated that the slaves in Rodrigues were agricultural labourers and breeders, they 'in aranz zot ti lakaz nouru zot zaimo'<sup>1</sup> (Eng. rans. Built sheds and reared animals) and were plito konsidere kom domestik<sup>2</sup> (Eng. rans. Were considered as domestic workers). Their statement is sustained by historians who wrote that the 'Blacks' in Rodrigues were planters and breeders.<sup>3</sup>

The slaves outnumbered the Colons

#### Reference 1391 - 0.01% Coverage

by the various Mauritian Governments.

Ben and Noel testified that in 1967, Rodriguans voted for the PMSD. Guy Olivry and Clément Rousty gathered 96% of the votes<sup>10</sup>. In 1968, they protested against Independence and were pro-PMSD, as they believed in the Party's propaganda that Independence would lead to Hindu hegemony to the detriment of the 'Creoles' and General Population category. They claimed that if the IndoMauritians came to power, in other words, if the Labour Party won the elections, English and French would be removed from academic schools, and they would close the Catholic Churches. On the 12th March 1969, the national flag was raised in Rodrigues.

Testimonies and historiographies stress the

#### Reference 1392 - 0.01% Coverage

how the Rodriguans categorise themselves.

The Rodriguans of Asian origins (Indians, Muslims and Chinese) are in a minority on the island. As historians have pointed out, the indentured-ship system was not implemented in Rodrigues, and the island was not on the migratory route of the Asians. Jauze (1998) proposes two reasons for the insignificant presence of the Indian Diaspora in Rodrigues despite its proximity to Mauritius. Firstly, there was no massive and constant immigration of Mauritians to Rodrigues and, secondly, the indentured labour system was introduced in the main sugar plantation colonies of the Mascarenes.

Historians date the arrival of

#### Reference 1393 - 0.01% Coverage

main employers, as indicated below.

Capitalism brought a shift in the local occupational pattern from a traditional one, based on diversified foraging, to a more complex one based on the division of labour and technological production. The capitalist mode of production, similarly, led to changes in the local stratification system with the introduction of a more complex social class stratification.

Even though the Rodriguans are

#### Reference 1394 - 0.01% Coverage

exacerbates their already vulnerable state.

In their sub-consciousness, the 'Blacks' who belong to the African Diaspora are of slave descent because 'slave blood' flows in their veins, as it flows in the veins of the Africans who were the main source of servile labour. Even if they recognise their slave ancestry, unlike some Mauritians who claim their identification to Africa as their motherland, such identification process is non-existent in Rodrigues. Their identification with their African Diaspora is rather cultural and physiological, and there is no longing for an imaginary motherland.

There is a strong national

#### Reference 1395 - 0.01% Coverage

in 1865 (North-Coombes 1971).

In June 1841, Magistrate H.M. Self, sent from Mauritius to enquire into some civil cases, found the people (both Rodriguans and the labourers brought from Mauritius for fishing) rather happy. Pay was reasonable, food plentiful, consisting mainly of manioc (the staple food) with a ration of rice on Sundays. In fact, the liberated slaves did not work for others; they were entirely self-supporting from the produce of their cultivation and the livestock which they raised, plus the odd fish and wild cattle (North-Coombes 1971).

Food production and exports during

#### Reference 1396 - 0.01% Coverage

##### OF SLAVES AND THEIR DESCENDANTS

employment of free labour, after the liberation of the slaves. The contract between employers and labour allowed wages to be "payable in merchandise so that when the servant is disposed to intemperance, two bottles of rum issued to him in six-penny grogs pay his wages for one month and five days". Many labourers got into debt as they were unable to resist the grog. The cost of goods was anything between 150 and 300 percent higher than in Mauritius; except for rice which was 75 to 100 percent higher (North-Coombes 1971).

The Rodriguan was always short

#### Reference 1397 - 0.01% Coverage

sanitary works (North-Coombes 1971).

Before 1873, rice was sent from Mauritius in small quantities. The inhabitants had to pay cash for these purchases, or they obtained the rice in payment for road works. After the cyclone of 1886, the quantity of rice sent was increased, and its distribution was made on fairly liberal terms. In a land where there was normally little or no cash flow, this led to indebtedness. As from 1890 to 1901, payment for rice had to be made in cash or in return for labour on public works, and in no case were issues to be made on credit (North-Coombes 1971).

In 1890, a certain prosperity

#### Reference 1398 - 0.01% Coverage

Port Mathurin (North-Coombes 1971).



Rodrigues was twice identified to be used as quarantine stations for people affected by two dreaded diseases from Mauritius; in 1800 for lepers and in 1856 for immigrant labourers arriving from India with cholera. Fortunately for the Rodriguans, both ideas were never executed (NorthCoombes 1971).

However, by the mid-19th

#### Reference 1399 - 0.01% Coverage

December 1843 (North-Coombes 1971).

The conditions of slavery in Rodrigues had, on the whole, been less harsh than in Mauritius. Work started at seven in the morning and lasted till four in the afternoon. During the rest time of the day, known as la berloque, they were free to do as they pleased and cultivate their small patches of garden up in the hills. Their work was not hard but it was compulsory labour. Punishment for desertion or negligence was severe and painful; thus, for absence without leave, it was fifty strokes of the whip, administered in small doses but with a firm hand (North-Coombes 1971).

Truth and Justice Commission 619

#### Reference 1400 - 0.01% Coverage

1903 and became 20th

labour. Seychell

discovered by the Portuguese

#### Reference 1401 - 0.01% Coverage

and Dependencies, 31st March 1931.

After the abolition of slavery, Indian indentured labourers were brought to the substantial as in Metropolitan Mauritius. Thus, as at 1921,

island as additional source of labour to work in the plantations, but the indentured population was not as demographic distribution in the Archipelago

#### Reference 1402 - 0.01% Coverage

the residence and the cemetery)

In keeping with D'Unienville (2002) and Vine (2009), accommodation was free and the plantation owners provided the labourers with free construction materials to build a shelter. The latter did not purchase land and were granted land to settle free of charge.

The working conditions, as well

#### Reference 1403 - 0.01% Coverage

to that of the estate

workers in Mauritius, although the nature of the work was different. The plantation owners provided their workers with basic food rations, clothing, free accommodation, minimum wages and free basic health services. Gender division of labour, hierarchical power relations and labour oppression were identified. To supplement their daily ration

#### Reference 1404 - 0.01% Coverage

power to compel the administering powers, both the British Colonial Government and the Mauritian Labour Party to respect these agreements. Even if the role of

#### Reference 1405 - 0.01% Coverage

one mainly of Afro-Malagasy origins with a minority of people of South Indian origins. The labour force (composed of Freed slaves and Indian indentured labourers) outnumbered the plantation owners of European descent. In this closed insular society

#### Reference 1406 - 0.01% Coverage

are descendants of slaves and Indian indentured labourers that were sent to the Chagos Archipelago as plantation workers under colonialism. The successive generations native of the islands peopled the Chagos and evolved into an insular society with distinct social and cultural systems, including a distinctive Creole language and valuable cultural system born from cultural diffusion. At the end of Colonialism

#### Reference 1407 - 0.01% Coverage

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#### Reference 1408 - 0.01% Coverage

day) and Sundays, Mr. Leduc

encouraged the couples to devote themselves to their families and embellish their environment, as well as take care of their homes and children. They were allowed to do extra duties, such as planting maize, after working hours, in order to better their new social and economical situations. All workers agreed, with enthusiasm, to the Manager's proposals. The Manager also explained to them that they could strictly abide by the articles set by the Bill and refuse all other advantages. To alleviate their burden, donkeys were introduced to turn the oil extractor. A new mode of living thus started on the islands. Men and women were no longer attached to their masters, but to their families. Mr. Leduc taught moral values through Catechism, in the absence of priest, organised an infirmary, built houses with block of corals for his administration, thatched huts for labourers and other workers, workshop for skilled workers; a real establishment village was created with religious and social life. It was the dawn of a new culture.

The 'Camp' for labourers and other workers/apprentices, called 'Camp Noir' (Appendix VII: Le Mauricien June 1982) was separated from that of administrative staff, called 'Camp Blanc'. Up to the late 1990's, Camp Blanc was a restricted zone after 6.00 p.m.

4.2 On a special

#### Reference 1409 - 0.01% Coverage

in his post as Manager.

5.9 This confusing situation and the stubbornness of Laurent Barbé led his partners Leduc and St. Aulaire to sell their shares. With no more interests in Agalega, Leduc sailed to Mauritius on 15 December 1841, to the great dismay of his former workers. They begged him to send a ship from Mauritius on, or about, August 1841, at the end of their engagement. But Leduc had no more say in the chaotic situation on Agalega, and his representations in Mauritius, to the concerned authorities, in favour of the labourers, were of no avail. The emancipated population organized itself and took the serious decision to vacate the land, to which it was attached.

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#### Reference 1410 - 0.01% Coverage

Truth and Justice Commission 669

VOL 4: PART IX – RODRIGUES, CHAGOS, AGALEGA AND ST. BRANDON – AGALEGA, NO MORE A LESSER DEPENDENCY 6. INDENTURED LABOURERS

6.1 The products of

#### Reference 1411 - 0.01% Coverage

in Agalega, were left behind.

6.3 The constant movement of workers to and from Agalega was a source of concern to Management. A shortage of workers was felt. Indian immigrants who had arrived in Mauritius, as indentured labourers, were recruited to work in Agalega, on the same contractual basis as their counterparts there. They received their rations of rice, pulse, oil, salt as part of their wages. They bought other necessities in the only shop of the establishment, owned by the company.

6.4 Those Indo-Mauritians

#### Reference 1412 - 0.01% Coverage

environmental activities in each village.

8.2.2 From the very beginning, Mr. Leduc taught moral values through Catechism, in the absence of priest, set up an infirmary, built houses with blocks of corals for administration, workshops for skilled workers, thatched houses as camp for labourers. With the oil extracting machine, the calorifer (barn to dry coconut for copra) an establishment village was created with its activities and social life (Ref. 4.1). His good Management brought peace, harmony and social justice to the establishment. However, a soft kind of semislavery was maintained, with an Administrator as the only Master after God, because of the remoteness of the islands. (Ref. 4.1 to 4.3). His social and religious work was, however, interrupted by his immediate successors (Ref. 5.1 to 5.7).

8.2.3 Coming from different cultures, Madagascar, Africa, Mauritius, India, the Seychelles (workers/labourers since 1925), and France, the people use as their language

of

communication Creole as in

#### Reference 1413 - 0.01% Coverage

Doc. II, Art. 4.4)

8.3.4 In the past, labourers travelled in the hold of the ship reserved for animals or guano on their way to Mauritius. They even slept on guano coming from Farquhar Is. Today, a comfortable saloon or cabin is offered to them.

8.3.5 On each

#### Reference 1414 - 0.01% Coverage

8)

Economic situation in Agalega

8.4.1 Much is being done these days to alleviate the sufferings of the residents. Even recently (1990s), rations of food were distributed weekly to workers on contract, as stipulated as far back in the 1877 regulations to govern the employment of labourers. Normal weekly rations for a worker on the establishment list, irrespective of whether it is a man, woman or child was as follow:

(i) 10 1/2 lbs of

#### Reference 1415 - 0.01% Coverage

and the recruit as Employer)

8.4.2 All workers were considered as labourers. In 1975, in addition to the weekly rations, their monthly salary was:

Men: Women:

Rs. 50 against

#### Reference 1416 - 0.01% Coverage

the unity of the nation?

The ultimate goal was to propose recommendations that would speak to the expectations of the society and propose actions encouraging fair representations of slavery and indenture. The definition of "fair representation" needs to be expressed to explain our approach. Fair representations were defined as views of the past that respond to historic veracity but also, that speak to the experiences of slaves and indentured labourers in Mauritius as generally accepted by descendants. To a certain extent, it was also essential to take into consideration the memory representations of slavery and indenture by descendants. In this respect, our research focused on expressions in the public space so that the recommendations proposed could be considered within the governmental scope of action.

RESE AR CH PERS P

#### Reference 1417 - 0.01% Coverage

the importance of his contribution:

«This homage to the memory of a man of science, the greater part of whose labours were achieved in Mauritius, is an act of justice which can be but highly honorable to the Society, better placed than any other, to appreciate the merit and value of such labours" (RSAS, 1860, part 2, vol.1: 346).

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#### Reference 1418 - 0.01% Coverage

MEMORY AND REPRESENTATIONS Dominated figures

Besides the portrayal of personalities, the first implantation of people of Indian origin and of slavery are also presented through various exhibits. A palanquin is exhibited to recall how the conditions of transport were rudimentary and also, to show the role of slaves and a workforce recruited on contract in the early days of the colony. This also suggests how they were integrated into the society. The exhibit evokes the role of the Rangan who was a palanquin carrier and among the first labourers under contract brought to Mauritius. The text specifies that most of the indentured Tamil labourers were employed as Masons or Carpenters; and that people of Indian origin also engaged in other professions, such as Blacksmith, workers, Coolies (meaning homme de peine) and Lascars defined as Sailors.

The presentation of the various

#### Reference 1419 - 0.01% Coverage

in what kind of lodgings.

Following this presentation, the visitor has an understanding of how slavery functioned. However, it is to be noted that most representations of slavery mainly focus on the inhuman treatment that slaves received, thus underlining their legal position. When drawing a parallel with indenture or the first engagements, it is striking to see that it is the system of slavery that is referred to, rather than the experiences of the slaves as such. If little information is available in the archives, the positions that slaves held or how they took part in the functioning of the society are not expressed, although the active part that indentured labourers took in the society at that period is described. The episode of slavery is hardly individualised and does not transcribe

the people's experience and thus, the Museum discourse makes a clear difference between slavery, where the focus is on the binding system, and indenture, depicted as an active contribution.

#### THE DEEP TRAUMA OF SLAVERY

##### Reference 1420 - 0.01% Coverage

farmers, barbers, green grocers etc.

The parallel between the showcases on slavery and the experiences of the ex-indentured is unavoidable, considering their physical location. One statement is striking: The ex-indentured labourers evolved to access higher economic positions in society, while the slaves remained apprentices, thus ex-slaves, with no possible future, according to the Museum discourse.

In this part of the display that aims at presenting the early British period, an anachronistic parallel is drawn between the situation of emancipated slaves – the presentation is limited to the period of apprenticeship (1835-1839) – and the evolution of the ex-indentured labourers who started to settle and be independent through the acquisition of land mainly, in the 1860s-70s (indenture ended in 1910).

Not only is the parallel chronologically not justified, but the situation of the slaves after apprenticeship is not even referred to, while information on the evolution of indentured labourers provides clear indications of the activity they engaged in.<sup>47</sup>

Slavery and indenture, the unavoidable

##### Reference 1421 - 0.01% Coverage

according to the museum discourse.

This is particularly striking, especially when displayed next to a showcase presenting the lives of the indentured labourers after the end of their contract. The discourse is precise and shows how they managed to evolve in the society by engaging in other activities.

Truth and Justice Commission 831

##### Reference 1422 - 0.01% Coverage

indentured worker, a Heroic Figure

The presentation on slavery stops with emancipation that did not offer many opportunities to slaves. However, the discourse related to the experiences of indentured labourers continues further to conclude with the portrait of Duraisamy Vandayar (1862-1905), who is presented as one of the "finest masterpiece of Mauritian heritage".

Duraisamy Vandayar was a trader

##### Reference 1423 - 0.01% Coverage

evolution for the ex-slaves.

Such portrayal may not be voluntary. However, it certainly conveys a general perception or, even, a stereotype. Further attention could have been given to the fact that slavery was not a straightforward experience for all and that ex-slaves also evolved to achieve a different social status and engaged in other activities. This representation of slavery has the effect of underlining how the experience of indentured

labourers was positive and resulted in the "heroisation" of indentured labourers who managed to evolve positively, while the slaves had no future.

This leads to the conclusion

#### Reference 1424 - 0.01% Coverage

representations The rule of representativity

The figure of the indentured labourer is represented as an active contributor to the sugar industry and the cultural life in a section on British Mauritius that also includes the presentation of people from other cultural backgrounds. The portrait of Log Choisanne (1706-1874), the initiator of the Chinese presence in Mauritius, is integrated into the display to represent the Chinese segment of the population, while information is also provided on Muslim merchants and other aspects of the Muslim community.

The Museum responds to the

#### Reference 1425 - 0.01% Coverage

of professions in British Mauritius:

□ The vagrant (ex-slave); □ The wife of the small owner (of African origin); □ The Indian labourer; □ The Constable; □ The Chinese Marchand; □ "Marmite" or the Malagasy drover; □ The small owner (goods in a cart - African type); □ The Parsi trader.

Truth and Justice Commission 833

#### Reference 1426 - 0.01% Coverage

du clocher du village".<sup>52</sup>

This text presents a sweetened vision of the conditions of life on sugar plantations in Mauritius. This also sets aside the coerced or "free" immigration waves to Mauritius. This statement waters down the conditions and experiences of slaves and indentured labourers in Mauritius. The vision presented here does not refer to the negative aspect of coerced recruitment and places the sugar industry as a major element contributing to the constitution of the society.

By underlining the predominant position of the Sugar Industry, it legitimates the initiative of constituting a Museum focusing on the Sugar Industry and sets aside the negative implications of slavery and indenture. The historical events and context, that brought the slaves or indentured labourers to Mauritius, are set aside to retain the 'positive contribution' of the Sugar Industry. This positive view helps to position the Museum within the Mauritian social context as a federative cultural place.

In this section, the role of the sugar aristocracy is also implicitly referred to as a binding element for the society. The plantocracy is referred to as a group wishing to offer protection. This vision discards the main objectives of the planters to recruit cheap labour to respond to industrial requirements. The discourse here focuses on an ideal interpretation of history where the sugar industry is central to the constitution of the nation. According to this vision, it has thus contributed to federate the different components of the society to constitute a nation. This introduction thus highlights the intention of the museum to retain positive accounts of the past: the main one being that the sugar industry was a federative element in the constitution of Mauritian society.

Slavery and indenture are referred

#### Reference 1427 - 0.01% Coverage

the forthcoming abolition of Slavery:

"I cannot longer remain in obscurity and silence. I am already at the bar of the public; and from them I expect a verdict that will cover my accusers with shame; and perhaps, will hasten the annihilation of that fraternity of which they appear to be convenient members. Lucky would be such a result for the cause they ostensibly advocate – happy for the Slave, who would thus be relieved from one great obstacle to his moral and religious melioration, which must precede his right to freedom- happy for the Master, who would feel security among men instructed in the truths of morality and religion, instead of beings immersed in brutal ignorance. Then, I should scarcely regret being exposed to the attack; because I should have a return for my labours." (Telfair, 1830: vi)

According to Telfair, his actions

#### Reference 1428 - 0.01% Coverage

population." (Telfair, 1830: viii, ix)

He further argues that "the Slave has been raised, in many respects, to the rank of a European labourer; and he often possesses greater comforts, while his irksome toil has been changed into an easy task; indeed, nine-tenths of human labour have been replaced by eighty steam engines and sugar mills, by implements of agriculture of all kinds, and by beasts of burden, of which not less than 30,000 have been imported within five years, and nearly 11,000 since January 1829. the religious, moral and physical condition of the Slave has also advanced more rapidly, and already has attained a greater elevation than in any other colony during an equal time." (Telfair, 1830:xi)

The account presented in L'Aventure

#### Reference 1429 - 0.01% Coverage

of Telfair who asserts that:

"It will be seen that my Slaves had, and have, better food and more abundantly supplied, better clothing and less occasion for it, better cottages, better bedding, better furniture, more recreations, and more money, than the home labourer." (Telfair, 1830:xiii)

This representation of slavery through

#### Reference 1430 - 0.01% Coverage

y apportant une aide matérielle."

The few experiences of Planters allowing the setting up of temples on sugar estates become here a general statement. The display recalls only the positive element and once more – as it did for slavery- stressing not only the positive contribution of Planters, but also the existence of a close relationship between the Planters and the indentured labourers, even though the Planters are portrayed as the ruling Aristocracy, thanks to whom slaves or indentured labourers could evolve favourably. Planters are, in this sense, those opening a window on a better life for the dominated segments of the population.

A positivist discourse

We may



#### Reference 1431 - 0.01% Coverage

the population.

A positivist discourse

We may argue that this provides a positivist account of the slave and indentured experience, but we should also underline the hidden intention to create a vision of the past that does not divide, but rather intends to unite. Through the display of Aventure du Sucre, the process of memoration is interesting as it provides with a scientific approach thus annihilating all misinterpretation and indirectly implies an acceptance of the drifts of the sugar industry, ex-recruiters of slaves and indentured labourers. The scientific account largely contributes to the creation of a link between the past and the present that provides an objective insight of the experiences of the current population. It sustains the contribution of each in the formation of the Mauritian society.

This is further supported by

#### Reference 1432 - 0.01% Coverage

coherence and conveyed clear messages.

Slavery and indenture are illustrated through the evocation of Le Morne Cultural Landscape and Aapravasi Ghat World Heritage Sites. The presentation highlights positive contributions: it shows how the slaves resisted their condition and how indentured labourers engaged in plantation work to later evolve in society. These representations are associated to general information on slavery and indenture formerly presented in Mauritian Heritage. It provides a general account on slavery and indenture systems. However, each event is presented in dedicated sections which are not related to one another by a transition. Each section thus provides an insight on a specific aspect of Mauritian history. The flow of information is therefore not elaborated according to a core line of evolution but rather offers insights on the experiences of the various cultural groups. The lack of transitions between each part is detrimental to an overall understanding of how the various groups interacted to shape the Mauritian nation.

The "ethnic" segmentation in the

#### Reference 1433 - 0.01% Coverage

each segment of the population.

National history is represented through panels and contemporary paintings that do not present an authentic account of Mauritian history. The various large size paintings depict various sceneries portraying a contemporary vision of the past but are not actually productions of the past: they are as such an interpretation and not an objective account of the past. This questions the notion of authenticity as the permanent exhibition area is a contemporary creation. The information provided on panels is counterbalanced by the various interpretations of the past. In this respect, it is subject to subjective appreciations of what the past may have been. It is further complemented by the village historique sceneries which are an interpretation of how the slaves or indentured labourers may have lived. In this sense, it may be misleading as it does not rely on authentic evidence of the past but rather on a subjective interpretation. This is the reason why we may want to call the Musée du peuplement, a cultural park, as it is not in line with the traditional definition of museum:

"a non-profit making, permanent

#### Reference 1434 - 0.01% Coverage

people and their environment.”<sup>54</sup>

The Musée du peuplement provides with interpretations of the past produced in 2010. The institution is not as such a museum as museum collections are not conserved nor exhibited. We may want to consider that it is a space devoted to interpretation. In this respect, it is particularly interesting to appreciate how the past is perceived. In this instance, slavery and indenture are referred to as difficult experiences but the outcome is positive: the ex-slaves and indentured labourers have managed to engage in new lives.

The Musée du peuplement interprets

#### Reference 1435 - 0.01% Coverage

promoting and cementing National Unity”.

The promotion of culture is presented as a main priority and the Government takes initiatives aiming at fostering the image of a national unity. This objective materialises through the renaming of Mahébourg Museum as the National History Museum. This marks the appropriation and the recognition of colonial history together with the intention to establish cultural references for all. The shift in the memorial process is in action. It is marked by significant initiatives such as declaring 1st February as a public holiday “to commemorate the abolition of slavery” and 2nd November as “the termination of indentured labour”<sup>55</sup>. The President further mentions that “a programme of activities will be elaborated to highlight the maximised through the promotion of local folklore, traditions and theatrical performances”.

In the address of the

#### Reference 1436 - 0.01% Coverage

in need of greater understanding,

promotion and dissemination. In this context a Genealogy Institute and an Immigration Museum will be set up. Government will also regroup the National Archives, the National Art Gallery and the National Library under one roof. In order to address issues pertaining to historical grievances, government will set up a Truth and Justice Commission to establish the facts regarding slavery and indentured labourers and to make recommendations with respect to reparations for the descendants of slaves and indentured labourers”.

Truth and Justice Commission 847

#### Reference 1437 - 0.01% Coverage

to better appreciate Mauritian culture.

In this undertaking, slavery and indenture were a major focus. The government engaged in proposing the nomination of the Le Morne and Aapravasi Ghat on UNESCO World Heritage List. The Aapravasi Ghat is a former Immigration Depot where almost 70% of the ancestors of the current day population arrived as indentured labourers. Mauritius is the place where the British chose to evaluate a new system of recruitment called indenture after the abolition of slavery in 1833. On international scale, the outstanding experience of Mauritius as the test case to evaluate the viability of the indenture labour system makes of Aapravasi Ghat,

the international symbol of indentured labour in the 19th century. As such, the site was inscribed on the World Heritage List in 2006.

Le Morne Cultural Landscape is

#### Reference 1438 - 0.01% Coverage

as a World Heritage Site.

With the inscription of the two sites on the World Heritage List, Mauritius changed the vision of the past inherited from the colonial Elite. The past is no more the prerogative of a small portion of the population. The memorial process now works towards the appropriation of the history of the majority of the population and institutes fundamental references relating to their identity and origins. This process shows the importance of establishing roots in a land of migrations where most of the ancestors of the population came through coerced migrations. As immigrants – slaves or indentured labourers – references to their homeland or cultural background were absent in the colony. Both slaves and indentured labourers had to recreate a cultural environment serving their well-being through the affirmation of their position in society. The experiences of slavery and indenture were particularly traumatic. It involved the annihilation of the individual's identity in the case of slavery and for indentured labourers, the involvement in harsh working conditions to survive. The collective memory remembers slavery and indenture as a negative experience. Both parties engaged in these experiences were ever hardly considered nor recognized by the colonial authorities in the memory process: there was no place for them in the colonial contribution bringing western knowledge and education. Memory was dictated at institutional level by the Elite who systematically ignored the positive contribution of ex-slaves or ex-indentured labourers and failed to recognize their cultural identity.

Today, the memorial shift retains positive accounts of slaves and indentured labourers. Through the recognition of Aapravasi Ghat and Le Morne, the memory process operated through historical justifications enabling the appreciation of the scope of slavery and indenture as historical facts not only related to the local context, but also inscribing itself in an international perspective. This certainly encourages the memorial process to focus on positive contributions. Locally, Aapravasi

Truth and Justice Commission 848

#### Reference 1439 - 0.01% Coverage

##### MAURITIAN NATION – MEMORY AND REPRESENTATIONS

Ghat can be identified as a place of origin for indentured labourers as they first landed at the Immigration Depot to enter Mauritius. Similarly, Le Morne is considered as a place of refuge for Maroon slaves and in the contemporary context, became a symbol of resistance. Both World Heritage Sites reconstruct the idea that both sections of the population were forgotten but not silent, and have in fact largely contributed to the formation of a pacific and dynamic society.

In this case, slavery and

#### Reference 1440 - 0.01% Coverage

policy for culture and heritage

The Aapravasi Ghat stands for a symbol of immigration to Mauritius: the immigration depot received indentured labourers mainly arriving from India. The site can be considered as point of origin for the

descendants of indentured labourers. In the same manner, Le Morne is a reference for descendants of slaves who were brought to Mauritius from the Dutch period until the abolition of slavery in the colony in 1835. Both refer to two major waves of immigration to the island and establish references to explain the origins Mauritian society. The World Heritage Sites anchor references that are essential to establish continuity from arrival of immigrants to their descendants today. The link to the past helps considering that both segments of the population were actually instrumental in the shaping of the society and legitimates their presence.

Although they may be perceived

#### Reference 1441 - 0.01% Coverage

account of the various migrations.

Our research shows that slavery does not have a dedicated space for expression, when indenture is largely considered. We may want to consider that 70% of the Mauritian population are descendants of indentured labourers, while above 30% are related to the experience of slavery. In this perspective, the voice of the majority can explain the presence of a museum namely the Folk Museum, devoted to the history of the Indian origin segment of the population. The Folk Museum was set up to depict the immigration of the ancestors of people of - Indian origin to Mauritius. The Folk Museum is part of the Mahatma Gandhi Institute founded in 1970, two years after Independence, by the Government of Mauritius in collaboration the Indian Government. The aims of the Institute is to "provide the academic and cultural basis for the promotion, consolidation and dissemination of the Indian traditions" and "contribute to a developing Mauritian culture by creating an awareness of the richness of the Mauritian heritage"<sup>58</sup>. The general concept behind the creation of the MGI is to promote the Indian culture. However, it is not the only area of focus. Mauritian Studies are also part of its programme and promote the need for interaction between various cultural heritages.

However, we may question the

#### Reference 1442 - 0.01% Coverage

de la modernité. Paris: MSH.

4. Allen, R. B. 1999 Slaves, freedmen and indentured labourers in colonial Mauritius: U.K. Cambridge University Press.

5. Alpers, Edward A. 2000

## **Name: References to Land Act in Mauritius Report**

<Files\\Mauritius Report> - § 7 references coded [0.01% Coverage]

### **Reference 1 - 0.01% Coverage**

Géométriques; and 118. Private Land

All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a

### **Reference 2 - 0.01% Coverage**

Pas Géométriques; and Private Land

All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a

### **Reference 3 - 0.01% Coverage**

of the land being prescribed.

The legal status of land either in Mauritius or Rodrigues falls under three categories: State Land; Domaine Public inclusive of Pas Géométriques; and Private Land All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.

The Domaine Public is a

### **Reference 4 - 0.01% Coverage**

the compulsory acquisition of 2003.

In both cases, Central Government and the Rodrigues Regional Assembly should be able to revisit Section 32 of the Crown Land Act of 21st March 1874 which reads:

Section 32 Crown Land in

### **Reference 5 - 0.01% Coverage**

was the Crown Lands (Exclusion

1 The Code Napoléon (Amendment) Act 37 of 1978. 2 The Code Napoléon (Amendment No. 3) Act 9 of 1983. 3 Vide Dadoo v. Jeetdeal 2006 SCJ 3. 4 Solange v Aubeeluck 1955 MR 43. 5 Encyclopédie Dalloz, Droit Civil Vo. Possession at note 17. 6 Section 35 of the State Land Act (1991): "Notwithstanding article 2227 of the Code Napoleon or any other enactment, State Land is imprescriptible".

7 La Société des Cascadeurs

### **Reference 6 - 0.01% Coverage**

Pas Géométriques; and Private Land

All State Land is imprescriptible under the Law as per Section 35 of the State Land Act.  
The Domaine Public is a

#### Reference 7 - 0.01% Coverage

among Indians

#### CHAPTER 6 PRESCRIPTIONS

1. The Code Napoléon (Amendment) Act 37 of 1978. 2. The Code Napoléon (Amendment No. 3) Act 9 of 1983. 3. Vide Dadoo v. Jeetdeal 2006 SCJ 3. 4. Solange v Aubeeluck 1955 MR 43. 5. Encyclopédie Dalloz, Droit Civil 6. State Land Act (1991) 7. La Société des Cascadeurs v. The Ministry of Works 1995 SCJ 15 8. Nemdharry v. Rasmally 1955 MR 353. 9. Parmessur v. Seeyave 2000 SCJ 348. 10. Bakooa v. Proag 1956 MR 453. 11. Amjad v. Ramloll & Anor 2002 SCJ 219. 12. Vide Rioux v. Esplacathose 2003 SCJ 248. 13. Vide Foolman v. Chaytoo 1972 MR 232. 14. Ramjeeawon & Ors v. Matapallut 2003 SCJ 138. 15. Jankoo v. Gopaul 1992 MR 90. 16. Khadaroo v. Dorson 1980 MR 45.

Economics of grouping planters into

## **Name: References to Motherland in Mauritius Report**

<Files\\Mauritius Report> - § 7 references coded [0.03% Coverage]

### **Reference 1 - 0.01% Coverage**

equal representation of ethnic minorities.

145. Consideration be given to all Mauritians living abroad, in other countries, who emigrated, either at the time of Independence or more recently, be encouraged to return to the motherland to help in the development process.

### **Reference 2 - 0.01% Coverage**

of Mauritius – The Chagos Saga

In the wake of an independent Mauritius, the British, contrary to U.N resolution regarding the dismantling of territories of any future State, decided to separate the Chagos Archipelago as part and parcel of the Colony of Mauritius. The Chagos Archipelago, very much like Rodrigues and Agalega, was inhabited by people of slave descent who laboured in the Coconut and Fishing industry in extremious conditions. The decision of the then Colonial Office to sever connections with the Mauritius mainland is a dark spot in Colonial History of the British Empire. As a consequence of the British decision, in 1970, thousands of Chagossians were deported to Seychelles and to Mauritius. They were uprooted from their motherland, Peros Bahnos and Salomon Islands, in the Chagos Archipelago, Diego Garcia. Following an agreement between USA and UK, shortly afterwards, Diego Garcia was ceded to USA for the establishment of a military base with sophisticated armaments. In 1972, the British Government paid a sum of £ 650,000 to the Mauritian Government destined for the displaced Chagossians. In 1982, the UK Government paid a further sum of Rs. 100 million to the Chagossians.

The exiled Chagossians are today

### **Reference 3 - 0.01% Coverage**

equal representation of ethnic minorities.

271. Consideration be given to all Mauritians living abroad, in other countries, who emigrated, either at the time of Independence or more recently, be encouraged to return to the motherland to help in the development process.

### **Reference 4 - 0.01% Coverage**

R25 Creole mixed with madras

All respondents consider themselves as Mauritians. Their motherland is Mauritius. R10, R13, R25 I am a Mauritian:

R10 I see myself as

### **Reference 5 - 0.01% Coverage**

## PART I – SLAVERY - REPARATIONS CONCLUSION

There is so much more to the Reparations discourse than “the money issue”, in Mauritius, the words “compensation” and “reparation” is interchangeable and it always refers to monetary compensation alone. The case of the Chagossians is one glaring example of a failed reparation effort; people received money as a palliative means, they did not receive any psychological, social or special attention to alleviate the problems they might suffer from being forcefully uprooted from their native island(s). As a consequence the Chagossians have not been integrated in Mauritian society and many chose emigration to England as opposed to accepting Mauritius as their motherland. Restorative justice should include restoring people to their former situation before the violation occurred and compensation as a form of reparation for the loss of earnings and business should be given. They also need a formal and written apology from the government for the prejudice they suffered.

The point is to help

### Reference 6 - 0.01% Coverage

#### of Mauritius – The Chagos Saga

The Chagos Archipelago was part of the outer islands of the Colony of Mauritius. However, in the wake of an independent Mauritius, the British, contrary to U.N resolution regarding the dismantling of territories of any future State, decided to separate the Chagos Archipelago as part and parcel of the Colony of Mauritius. The Chagos Archipelago, very much like Rodrigues, Agalega, was inhabited by people of slave descent who laboured in the Coconut and Fishing industry in extremious conditions. The decision of the then Colonial Office to sever connections with the Mauritius mainland is a dark spot in Colonial History of the British Empire. As a consequence of the British decision, in 1970, thousands of them were deported to Seychelles and to Mauritius. They were uprooted from their motherland Peros Bahnos and Salomon Islands in the Chagos Archipelago, Diego Garcia. Following an agreement between USA and UK, shortly afterwards, Diego Garcia was ceded to USA for the establishment of a military base with sophisticated armaments. In 1972, the British Government paid a sum of 650,000 pounds sterling to the Mauritian Government destined for the displaced Chagossians. In 1982, the UK Government paid a further sum of Rs. 100 million to the Chagossians.

The Chagossians are the descendants

### Reference 7 - 0.01% Coverage

exacerbates their already vulnerable state.

In their sub-consciousness, the ‘Blacks’ who belong to the African Diaspora are of slave descent because ‘slave blood’ flows in their veins, as it flows in the veins of the Africans who were the main source of servile labour. Even if they recognise their slave ancestry, unlike some Mauritians who claim their identification to Africa as their motherland, such identification process is non-existent in Rodrigues. Their identification with their African Diaspora is rather cultural and physiological, and there is no longing for an imaginary motherland.

There is a strong national identity that is the product of groups’ self-identification process. The primary identification as Rodriguans is a result of the absence of ethnic group competition, tensions, power struggles and inequalities. For the local residents, Rodrigues is their motherland since it is their native country and that of their immediate elders. Their religious identity and identification as slave descendants are subordinate identities that have meaningful meanings in the construction of Rodriguans self-definition.



## **Name: References to Property in Mauritius Report**

<Files\\Mauritius Report> - § 506 references coded [1.40% Coverage]

### **Reference 1 - 0.01% Coverage**

is debt to the West”.

“On the other side of the Atlantic, the African captives were cut off from their families, their land and their language. They were forced to be owned as chattels and to work as beasts of burden. When finally, emancipation day came – in the British colonies, in 1838 – the ex-slaves received nothing. It was the ex-slave owners who were compensated for the loss of their property”.

“The slavery experience has left

### **Reference 2 - 0.01% Coverage**

children’s accounts. 8 LAND ISSUES

38. SETTING UP OF A LAND MONITORING AND RESEARCH UNIT A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.

39. FOR A NOTARIAL ACTS

### **Reference 3 - 0.01% Coverage**

and Monitoring Unit would be:

108. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property;

109. To carry out an

### **Reference 4 - 0.01% Coverage**

was financing agricultural production.”<sup>12</sup>

As far as the slave population was concerned, the slaves were defined as chattel labour (‘biensmeuble’) according to the 1723 Code Noir, and they were considered as the private property of their owners. They had no right to property of their own. The Code Noir effectively ensured that the enslaved peoples remained as coerced, unwaged labour and their labour power was reproduced to sustain the slave system. The Code Noir had included the definition of slaves as ‘biens-meuble’ so slaves could be insured and inherited as fixed assets. In case of loss of slaves during a revolt, bad weather or disease, compensation could be claimed. The slave population grew steadily

### **Reference 5 - 0.01% Coverage**

the end of the 1920s.

The British Imperial Government once more came to the rescue of the plantocracy. In 1926, they obtained a loan of Rs. 6 million from the Colonial Government; in 1927, they obtained a loan of £200,000 from the British Imperial Government and Rs. 3 million from the Colonial Government. Further, in 1930, the Colonial Government lent Rs. 3 million to the plantocracy; and finally, in 1931, following a severe cyclone, another loan of £500,000 was granted by the British Imperial Government to make good the loss of property and crop. Thus, by 1931, the plantocracy had accumulated loans amounting to Rs. 20 million. Moreover, there was no relief in sight to small planters or to the labouring classes.

In 1929, the British Government

#### Reference 6 - 0.01% Coverage

9 nine female infants.<sup>36</sup>

French slave trading in the Southwest Indian Ocean was started in Madagascar to supply slaves to Bourbon Island, colonised earlier. The slaves engaged in agriculture and the women among them married, or cohabited with French men, due to the shortage of French women. Indian prisoners were also left there. Distinctions between French on the one hand, and Malagasy and Indian people on the other, appeared some years later in 1674, when an Ordinance of Jacob de la Haye (Article 20) ordered that there would be no marriages between French and *négresses* or between *noirs* and white women. The term 'slave' also appears for the first time in Bourbon.<sup>37</sup> It is there that slavery, as it is understood in Mauritius, became established with maroon hunts, separate Parish Registers and domestic servants being treated as property.<sup>38</sup>

#### 1.4. Chronology of the

#### Reference 7 - 0.01% Coverage

such as the MCB Archives.

When Liberated Africans were brought in the nineteenth century, they too passed through the same Customs House as slaves. A certain continuity thus existed in the sites used for disembarkation of slaves, Liberated Africans and indentured. After formalities had been completed, the Liberated Africans were taken to the Immigration Depot where they would be registered as indentured immigrants, just like the indentured labourers who were being brought from India. These sites, the Customs and the site of the Immigration Office (today a World Heritage Property) need to be adequately memorialised. However a new symbolical site needs to be identified to memorialise in a permanent way as site relating to the landing of slaves in Mauritius. While other landing places exist for people who have come as immigrants, such as the Salines or at the Apravasi Ghat, a memorial place for those people brought as 'cargo' is also necessary so that the Mauritian population may see and understand the the full breadth of the trade and all facets of how forced immigration has occurred in Mauritius.

#### 1.9. The Slave voyage

#### Reference 8 - 0.01% Coverage

to his traditional tribal marks

would be part of his identity. The religion of the slave was also another marker. These two 'actions' branding and baptism marked the formal 'entry' of the slave into the colonial slave world. Branding was the seal of his status as a 'good', as property, while the baptism signified that entry of the slave into the Christian

kingdom. According to Filliot, slaves in Madagascar were branded at the site of trading itself, or if they had been purchased in the name of the King, they bore the mark of the King. This was usually the letter 'R' for 'Roi'. Those being sold to private individuals had the initials of the patronyms of the future owner. Drawings of many of these initials have been found in the slave registration returns and deserve to be studied.

In addition to the branding

#### Reference 9 - 0.01% Coverage

African, Malagasy and Indian slaves.

The ratio of white to slave began to preoccupy officials. Official concern was expressed concerning the proportion of European to slave: in 1735 there were 69 colonists and 940 slaves. By 1739, there were 107 colonists and 1,249 slaves. Five inhabitants out of 107 owned 1/6th slaves in the island.<sup>137</sup> Concentration of ownership of slaves and other property was thus already emerging in the 18th century.

There was also tension between

#### Reference 10 - 0.01% Coverage

COMMISSION Christianity was also reinforced.

Thus only children of freed mothers could be baptized; children, who had been baptized even though their mothers were slaves, would be taken away from their owners and sold. We do not know, however, how many slave children were affected in this way. Further research is required as numerous 'slave' children were thus deprived of the right to inherit the property of the father who may have been the slave-owner or a free person.

□ Article 3: Ne sont autorisés

#### Reference 11 - 0.01% Coverage

keeping the best slaves).<sup>204</sup>

Slaves could also become the property of the State, when the Company confiscated them, if for example, they had been brought illegally without 'entry fees' being paid. On 13 July 1758, for instance, the 100 best were recruited for the squadron the *Centaure*.<sup>205</sup>

Labourdonnais informed the Company's Directors

#### Reference 12 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION

Law. Even more significant for the Commission's work, was the impact on property-ownership by non-Whites.

When we consider the number of land claims being made before the Commission, by the non-White population of Mauritius, laws that prevented or blocked property-ownership by non-Whites became even more significant. The official policy to stop free non-Whites or slaves having any say or controlling any part of the property of white children was very strong, and this provided the philosophy behind the additional clauses brought by Decaen to the French laws.

A full study of the

#### Reference 13 - 0.01% Coverage

what amounts to a 'racial apartheid' system, according to Laurent Sermet. Significantly, too, it was also intended to prevent 'racial dispersion' of property.<sup>230</sup>  
The Code Civil thus formally

#### Reference 14 - 0.01% Coverage

Coloured and the Black Slave.

It was significant that when the British took over, one of the first acts preceding the abolition of slavery was the removal of discrimination against all free persons of African and Indian descent. The Code Decaen and the Code Noir, in particular Clauses 51 of the Code Noir and Clauses 67 and 68 of the Supplementary CCC, were abolished as they had collectively prevented Whites from donating property to free Coloured or freed slaves.

The Muslim part among the

#### Reference 15 - 0.01% Coverage

slaves in the slave registry.

This was to be expected, however: in a tiny island where there was only a small number of French families, they would be found in all sectors: economic activities property owners, courts, local politics of which Adrien d'Epinay was the perfect example; he was a big sugar estate owner, the editor of newspaper, a banker, a local politician, a lawyer with a brother as Procureur. The same applied to the elite among the Coloured population. Links were everywhere, and British officials from very early on, had learnt to be wary. Some even intermarried with local French families.

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#### Reference 16 - 0.01% Coverage

lashes per day (Art 12);

□ Slaves were also allowed to own property (Art 25): "buy acquire possess moveable and immoveable property" but if slaves died without heirs, owner became the heir;

□ Establishment of a Savings Bank

#### Reference 17 - 0.01% Coverage

Museum once it is opened.

Finally the Commission recommends a NATIONAL GENEALOGY CENTRE, which will help numerous Mauritians, many of whom of African and Malagasy descent, who faced enormous difficulties in tracing their family history and genealogy. This has also caused much distress in families, and some believed they had lost property as a result. These families were unable to furnish basic information on their ancestors to the

TJC. Consequently, the TJC helped a large number of families in recreating their genealogical trees and, during this process, it was able to verify for itself the difficulties mentioned by these families.

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#### Reference 18 - 0.01% Coverage

the economy of the country.

In 2006, the Mauritian Government proposed the Multi-Annual Adaptation Strategy for the Action Plan 2006-2015 indicated that small planters, i.e. those cultivating less than 10 hectares, cultivated some 26% of land under cane in 2006. This percentage would come down as a result of land conversion and cane abandonment, but this category of producers would still cultivate some 20 % of the total area under cane. This statement proves to be partially the truth nowadays, with the frequent land abandonment issues by small planters, due to high costs of production, a rise in unemployment and agricultural lands being converted into residential properties, used for construction purposes, and with the great pace of urbanisation. The sustainability of the small planters (cultivating 10 hectares or less) and the reliability of the supply of their canes, hold the key to the future viability of the sugar cane cluster.

Métayers - A Forgotten Community

Métayage

#### Reference 19 - 0.01% Coverage

and a few British administrators.

Thirdly, there has been continuity in the laws, treaties and conventions adopted by the country which have served these economic interests so well. From the Code Noir in 1723, established to categorise one group of human beings as 'goods', in order for the owner of these goods to be able to obtain insurance money and compensation in case of loss of his 'goods', to the Capitulation Treaty of 1810 which guaranteed the protection of these 'goods', passing through the Civil Code of Decaen which once more not only reaffirmed that ownership of property would remain in the hands of this group, but, this time, clearly introducing a racial component in the Law concerning ownership of property. These amendments to the French Civil Code are described a 'unique' in French Law and reserved only for French colonies, in order to maintain the control of French inhabitants over property in the colonies. And what of the Compensation money, over £2.1 million to compensate owners for 'loss of property' but not the slaves for having sacrificed life, labour and freedom for Mauritius? Abolition of slavery, ironically, financially benefitted the owners of slaves rather than the slaves.

It is therefore ownership and control of property, above all matters, that dominated the laws, the economy, and ideology of the island for most of the 18th, 19th and 20th centuries. Human beings, used as labour, continued to be seen as 'property' over which only the former owners should have control. Discouraging any independent economic activity became part of the tradition which many civil servants were only too happy to assist in.

Similarly, property ownership had to be controlled: small independent proprietors were a bane depriving the island of potential hands. How many times has the Commission heard these words: 'Kreol pa kapav ena later!' ('Creoles can't own land'!) being repeated by members of the public when they went to search for documents in public institutions. Few of those working in these offices are aware that, at a certain point of time, many thousands of ex-slaves did own land. It has been difficult for Commissioners to acknowledge that most who owned land have lost their land

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#### Reference 20 - 0.01% Coverage

and political structure of Mauritius.

This ideology of control and ownership of property by a tiny elite persists to this day and continues to pervade all our institutions, private and public though in not as visible form as it was in the past. How far is the economic vision established by Government, the vision of the people of Mauritius, most of whom are descendants of slaves and indentured labourers or how far is it the vision of the powerful economic interests of a few? It is perhaps true that ethnicity is no longer the issue as our 'rainbow nation', as most ethnic and religious groups are fully represented in this elite, although some may be more visible than others due to their phenotype.

Despite attempts to 'democratise' society

#### Reference 21 - 0.01% Coverage

owners and not to slaves.

In Mauritius, regrettably, the legal profession has never questioned past French or British Laws, when it came to slavery or indenture, or any Law that went against the rights and interests of the common people. Indeed, one is at pains to find one lawyer who defends, in practice and principle, the extension of property rights. Indeed, there are few scholars in the legal profession and, despite an academic institution dispensing legal studies, re-examining the History of the country, through its Laws of slavery, has never aroused much interest.

In neighbouring Réunion island, this

#### Reference 22 - 0.01% Coverage

pluviose), no compensation was envisaged.

A philosophical/legal question was also posed. Was slavery a right or a status? According to Blieriot, depending on the answer, one would have a right to compensation. Before abolition, slavery was legal; after abolition, it was illegal. Opinions were mixed on the issue. The French colonists in Réunion stated that slavery was founded on a right, i.e., the right to property, and that legally, any privation of that right leads to compensation.<sup>330</sup> Thus, this is what led them to claim compensation. From the French Government's perspective, it was also felt that abolition would be accepted better by the colonists, and so compensation was a necessary corollary to emancipation.

The colons (the term used at the time) referred to the Code Noir (1723), where it was stipulated that the slave was a bien meuble (Art. 39). Thus, they saw abolition of slavery as an expropriation of their property, and not as a humanitarian gesture. The Commission appointed in Réunion to oversee the emancipation process, saw matters rather differently:

1. It did not believe that the notion of property applied to a human being's ownership of another human being.
2. It saw in slavery

#### Reference 23 - 0.01% Coverage

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In addition to a number of other drawbacks, such as the lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet, despite noting that these living conditions appealed primarily to the poor who, according to Benedict, were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movements between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>346</sup> who stated it was only poor people, who did not own property, who went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>347</sup>

Although the feeling is that

### Reference 24 - 0.01% Coverage

the sugar mills in 1830.

During the rapid subdivision of land that took place from the 1840s to 1880s, recently-freed exslaves joined the ranks of the Gens de Couleur and purchased land.<sup>414</sup> However, few were able to retain them for various reasons to the point that they barely possess any land today. Unwillingness to labour land themselves, as it was seen as an activity for 'slaves' or unable to procure labour, and little access to capital are cited as some of the reasons. The Gens de Couleur became predominant in the factories and the building industry. In 1952, 49.5% of the 'Coloured' and Creole workforce were employed in these two sectors.<sup>415</sup> There was the perception of constant threats from the 'Whites' (Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the 19th and 20th centuries. Thus, it gradually lost its economic position and was forced to sell to either 'Franco-Mauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

The Gens de Couleur constituted

### Reference 25 - 0.01% Coverage

## AND ORIGINAL RICHE TERRE PLANTERS

The history of the métayers (share croppers) was brought to the Commission's attention as a result of representations made by métayers in the South of Mauritius. The Commission decided to investigate further for several reasons. First, although they have grown sugar since the days of indenture (1840s), they have never owned the land and can be evicted at any time. They have, like many other groups in Mauritius, been the victims of restructuring of the Sugar Industry. A history of metayage appears in Volume 2 and in Volume 4. In the past, eviction could occur at any time, when their leases ended, when sugar was no longer required, or when the land was required for other more profitable purposes. What is the future of métayers in the new economic configuration? What future do they have? Today, the lands which they occupy and have been associated with for generations, considered 'marginal' at the time, have been 're-labelled' 'strategic' zones today, and are worth millions. The sugar estates have played their historic role, as they always have;

they have disposed of labour when no longer required, and shifted labour where work was required, intimidated and used all the legal arsenal at their disposal to maintain their property. What is reprehensible is the role of

#### Reference 26 - 0.01% Coverage

included in the compensation calculation.

□ Property rights are not the only consideration as métayage has immensely benefitted the sugar estate owner: cheap labour, sugar produced on land that he would find difficult to farm (poor soil, sloping or rocky land).

□ Calculation of compensation was based

#### Reference 27 - 0.01% Coverage

##### FOR THE MAURITIAN FAMILY Introduction

The mission of the Truth and Justice Commission was to uncover the truth about the Mauritian past and its consequences for contemporary Mauritius. Compiling Mauritian family trees has been one of the activities that have emerged as a key and crucial component to understanding the failure of families to connect with one another, unite and make common claims to property. Out of the 300 or landownership cases deposited at the TJC, more than half have highlighted the need for Mauritian families to be more aware of their ancestry and compile their family trees. Retracing one's ancestry is also being used by some to make demands for 'reparations' and to insist on more justice.

Retracing one's family history in

#### Reference 28 - 0.01% Coverage

solve many other related issues.

The value of professional genealogical research is to: □ allow one's lineage to be traced for legal issues; □ if structured diminish consequently frauds and dishonest land and property sales and less land will be lost belonging to ordinary Mauritians who cannot afford expensive lawyers;

□ provide important information that will

#### Reference 29 - 0.01% Coverage

in order to extort money;

5. Corruption of officials in private and public sector who falsify documents thus, willingly or unwillingly, deprive other members of families of their property;

6. Unexplained disappearance of bulk

#### Reference 30 - 0.01% Coverage

its activities pending further negotiations.



According to the Domain of Register of Crown Properties, Saint-Brandon is made up of 28 islets and some of these islets are mere sandy cays which tend to change their shape and position after tidal waves or during cyclonic conditions. The total area of these islets is about 500 Arpents and they spread over an area of approximately 1,000 square kilometres.

There is no permanent population

#### Reference 31 - 0.01% Coverage

reached" between the two parties.

The Chagos Archipelago, subject to a claim by Mauritius, has been kept as Crown property and is administered from London by a Commissioner. Ignored by the Europeans over more than five centuries, Diego Garcia, the V- shaped area of 44 sq km, with its two arms enclosing a large deep lagoon, which is the main island of the Archipelago, has turned out to be the key base of operations for the latest super power in the region, the United States of America.

Most of the islands - Diego

#### Reference 32 - 0.01% Coverage

enhance their employability.

Support systems

Support systems for disabled persons in Rodrigues exist mainly at the level of NGOs with only a few organisations providing services in this field. Craft Aid is one particularly active organisation. Since 1998, Craft Aid has run a school for persons with visual and hearing impairment. The organisation, which receives support from the European Union, also operates as a workshop that refines and packs honey for export and produces craft products. Honey production is very successful and has been recognised internationally, as evidenced by awards obtained. The organisation's artisanal activities provide training and also employment opportunities for disabled persons. Craft Aid has now become a private company limited by guarantee called CARECO (Rodrigues) Co Ltd. The turnover of the company was Rs 2.4 million in February 2004/2005 with the cost of sales being Rs 0.64 million and Management and Administrative expenses Rs 2.05 million leaving a net loss of Rs 0.35 million. However the company had total assets of Rs 7.65 million, more than 90% of which were property, plant and equipment; most of these have been obtained through donations. Since the company had no debts or loan commitments, its finances can be considered to be stable. At present, 28 disabled persons coming from the whole island are finding full time, paid employment with the company at the Workshop and another 115 disabled bee keepers are using the Resource Centre for their activities. Older children are also learning bee keeping. Fund-raising and donations from abroad are important sources of income.

Notwithstanding the above, there are

#### Reference 33 - 0.01% Coverage

legal advisers or Land Surveyors.

By July 2010, after a preliminary assessment in each case, a certain number of complainants were advised to initiate legal action to recover their property. The Commission did not investigate a number of cases which were already pending before the competent Court for a decision. However, the Commission did examine other evidence that were not necessarily made available to Courts. Twenty-two such cases were

recorded. One such case examined by the Commission was, thereafter, lodged before the Supreme Court which referred it for mediation.

Out of the 230 cases

#### Reference 34 - 0.01% Coverage

procedures for affidavits and prescription.

The Commission has observed that the costs involved for the recovery of land are an impediment to most people who feel they have been dispossessed of their property. In this connection, the Commission has made recommendations for the setting up of a LAND MONITORING AND RESEARCH UNIT. This unit will have the responsibility of examining any request for assistance, be it financial or legal. This recommendation is further developed in this Chapter.

The Commission also recommends that

#### Reference 35 - 0.01% Coverage

wishes to make certain observations:

□ The Commission has noted with great concern of cases where ancestors have been able to sell and/or transfer and/ or donate their immovable properties to one child, or some of the children, but not to all of them.

□ While most Notaries take the

#### Reference 36 - 0.01% Coverage

for greener pastures in Mauritius.

□ Moreover, persons who have prescribed plots of land and who know that they could be challenged in Court have secured the help of some militia in order to prevent real owners to have access to their properties, (Christian Grenade – File TJC/L/0044) and Goodur Abdool Reshad - File TJC/L/M/0210). In the case of Grenade, the Commission views with concern that even a request made to the Commissioner of Police to give police protection to the heirs to clean up their land at Le Bouchon has remained unattended. Concern has been expressed regarding

#### Reference 37 - 0.01% Coverage

this institution to seek redress.

Fraudulent practices, lack of financial resources, ignorance of the law, as well as the inaccessibility to documents and misapplication of the law, and the lack of information concerning land transactions have largely contributed to depriving people of their property.

In this context, the Commission recommends some measures that could alleviate people's sufferings and trauma. A LAND MONITORING AND RESEARCH UNIT, is being recommended to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds. The Commission has already started the Notarial Acts

Database Project, a guideline to decipher and interpret the language in old French, which will help and better serve researchers, Notaries and Attorneys.

Duties of the land monitoring

#### Reference 38 - 0.01% Coverage

left by a deceased person.

This state of affairs gives rise to doubtful and inaccurate affidavits being drawn up. At times the legal heirs and successors are left out. At other times, the persons who have been bequeathed with properties are discarded in the affidavit.

In such cases the parties

#### Reference 39 - 0.01% Coverage

Court pronounces on the subject.

The Commission has come across Wills and Testaments in which the Notary or the party making the Will has failed to mention the reserved portion of his properties, 'Quotité disponible'. The testator has also failed to mention that he has other children. All the properties have been bequeathed to one person, instead of bequeathing the share which he can dispose of according to law.

Representation has also been made to the Commission concerning the sale/donation/transfer of all properties by the father/mother to one/two children only, thus depriving the other children of a share in their parents' property. In such cases the heirs / successors who have not received any property or who have been discarded deprived of their rights, have to enter cases before the Supreme Court against their own brothers/sisters in order to get their shares either in cash or in kind. It has been observed that some Notaries would not draw up such deeds. However, it is a matter of regret that others Notaries still draw up such deeds which eventually leads to animosities between among heirs.

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#### Reference 40 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

The coming into force of the Code Napoléon (Amendment) Act No 8 of 1980 on the 8TH June 1980 has simplified the succession laws and has brought new hopes. Acknowledged natural children and legitimate children have the same shares and rights. It has also given to surviving spouse a share in the deceased property. The surviving spouse has also been attributed a right of usufruct on all the movables effects and the house which was used as the main residence of the family.

It is high time that

#### Reference 41 - 0.01% Coverage

##### 7. RODRIGUES – LAND ISSUES PRESCRIPTION

All the applicants – Private and Government Land Surveyors, Attorneys and Notaries, Chief Planner - invited to give their views before the Truth and Justice Commission (See attachments) readily admitted that the Law has been respected in all circumstances. Yet, it must be observed that the information contained in the

Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit. For example, in certain Notices, the description given is so vague. In so many Notices, mention is often made "On the first side by a public road", "on the second side by an unknown proprietor", "on the third side, proprietor is unknown", etc. The law is clear as to the "precise description", "the exact location", "the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land." It is very difficult to believe that the person who has been occupying a plot of land since 30 years does not know the name of his neighbours.

There have been cases where

#### Reference 42 - 0.01% Coverage

#### 8.PRESCRIPTION IN MAURITIUS OBSERVATIONS

No deed, whether authentic or under private signatures, witnessing the sale or transfer of, or the constitution of any privilege, mortgage or servitude or right of use over, an immovable property the title to which is derived from acquisition by prescription witnessed by affidavit of prescription, shall be valid unless the affidavit has been transcribed, and a reference to the particulars of such transcription is endorsed on the deed.

The above refer only to

#### Reference 43 - 0.01% Coverage

prescription permit shall: a)

b)

state the date on which the occupation started and the open market value of the property at the time of completion of the statutory period for prescription;

be accompanied by a memorandum of survey by a surveyor setting out the situation, description and exact boundaries of the immovable property forming the subject matter of the application and the adjoining properties; and

c)

in respect of the

#### Reference 44 - 0.01% Coverage

the adjoining properties; and

c)

in respect of the party alleged to have acquired the immovable property by prescription i. his names in small letters and his surname in capital letters;

ii. his date of birth

#### Reference 45 - 0.01% Coverage

form specified in the Schedule.

12. Any person claiming to be the owner or part owner of, or to have an interest in, the whole or part of the immovable property in respect of which an application for a prescription permit has been made, may, within 6 months of the last publication of the notice required under Section 10 object to the granting of the application by the Committee by serving upon the Chief

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#### Reference 46 - 0.01% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

23. No deed, whether authentic or under private signatures, witnessing the sale or transfer of, or the constitution of any privilege, mortgage or servitude or right of use over, an immovable property the title to which is derived from acquisition by prescription witnessed by a prescription permit, shall be valid unless the prescription permit has been transcribed, and a reference to the particulars of such transcription is endorsed on the deed.

24. Any person who draws

#### Reference 47 - 0.01% Coverage

a fine not exceeding [...] rupees.

25. The transcription of a prescription permit shall not confer on any party any rights on any immovable property which but for this Act such party would not have possessed.

The Commission is of opinion that Notarial deeds witnessing the acquisition by prescription of landed property should bear the same conditions as laid down in the proposed Affidavit of Prescription Act, more fully described above.

As per the Prescription of Landed Property Act 41 of 1969 – November 1969 and amended by RL 4/253 – 24 April 1982, someone who is acquiring land by prescription needs not to swear an affidavit of prescription, but has to comply with the other conditions. The procedure remains the same.

The amendments in the Affidavit of Prescription Act, as proposed by the Truth and Justice Commission, would thus apply de facto to the Prescription of Landed Property Act.

The Commission recommends that the Prescription of the Landed Property Act be repealed which will thus prevent any confusion as to the procedure of prescription.

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#### Reference 48 - 0.01% Coverage

#### LAND RESEARCH AND MONITORING UNIT

1. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property;

2. To carry out an

#### Reference 49 - 0.01% Coverage

that all was not well.

Slavery was legalized, following the enactment of the Lettres Patentes (Code Noir, 1723). Studies carried out in both French and British periods show that slavery was far from being 'mild'. Slaves were chattel in the eyes of the Law, as well as being movables and they could be sold, hired out and transferred at any time in their lifetime. Slaves had no right to property, to a stable family, to a legal personality, or even to a surname. Slavery was also marked by the denigration of African and Malagasy culture and religion. Today, slavery is officially recognized as a "crime against humanity." When abolition of slavery occurred in 1835 and was replaced by wage labour, mainly from India, this was considered as a major advancement. However, this new immigrant contractual labour was far from being 'free', and numerous restrictions were placed on their mobility. Health and sanitary conditions on estates were far from satisfactory and on many sugar estates, there was heavy mortality.

The Commission's mandate was to

#### Reference 50 - 0.01% Coverage

Justice, 1880s-1930s Political reform

In 1885, an important event took place in the democratic field, when free elections were held. But unfortunately, voting rights were restricted to only a few persons, as stringent conditions regarding property, rent and revenue, debarred some 96% of the population from taking part. The result is that only the sugar elite and a few members of the Gens de Couleur and Indians could vote. The Constitution of 1885 (Pope Hennessy Reform) continued up to 1948. Needless to say, the great majority of descendants of indentured labourers and ex-slaves were debarred from taking any active part in politics.

Further, the riots of 1911

#### Reference 51 - 0.01% Coverage

matter of long-standing debate.

In Mauritius, most of the Chagossians, who were living in Cité Ilois, Baie du Tombeau, have sold their property and left for the UK. Presently, there are about 150 families left in Mauritius.

8. The 'Malaise Créole': The

#### Reference 52 - 0.01% Coverage

quit the island manu militari.

The argument was that they were the owners of the slaves and that unless compensation was to be paid for the loss of their "property" they were not prepared to liberate them. The colons further held that slaves constituted the only source of labour on the island. Abolition would thus bring about the ruin of the colony and bring about all activities into a standstill. Hence the term "Sans esclaves point de colonie" (Eng. Trans, 'no slaves, no colony').

In Britain, the campaign against

#### Reference 53 - 0.01% Coverage

Slave Cemetery at Le Morne.

□ Le Morne village should be included in the World Heritage Landscape as the inhabitants are the moral and spiritual guardians of the World Heritage Property. It should also be listed as a heritage village and other heritage villages need to be identified across Mauritius.

□ Trois Cavernes – the only documented

#### Reference 54 - 0.01% Coverage

near where he was caught.

□ The Maroon caves to be identified on public and private properties, and knowledge about them to be disseminated to the public and entrance to be allowed.

□ Symbol of the left hand

#### Reference 55 - 0.01% Coverage

mutual respect and gender equality.

157. land settlement □ Democratising access to property ownership through the construction of low-cost residential developments/Morcellement for the working classes. It also implies implementing measures to protect and defend the land rights of the vulnerable groups, such as women and working-class families. The land allocated should contain sufficient space for agricultural activities with the accompanying training.

158. social organisation □ The State

#### Reference 56 - 0.01% Coverage

historical background.

160. land dispossession

In line with the various United Nations treaties, Government should promote 'effective and democratic land, property and natural resources governance, management and practices' including decisions on access to land, natural resources and property; land and property rights, land use, and land and property development.

It is the duty of

#### Reference 57 - 0.01% Coverage

used to the best advantage.

□ Mauritius is already about 23% built-up and there is a rising need to provide additional land for economic growth, job creation and other uses, and to open up landownership to ex-patriates. The majority of Mauritians are thus gradually being priced-out of the property market.

□ Current land uses and ownership

#### Reference 58 - 0.01% Coverage

LAND MONITORING AND RESEARCH UNIT

□ A land monitoring and research unit should be set up to conduct enquiries, settle disputes or refer matters to Court. This important Authority will be called upon to monitor all land transactions, to receive complaints from genuine persons who have lost, or have been dispossessed of their property, and to assist the applicant to retrieve all necessary documents, including title deeds, plans and civil status, as well as investigate all Notarial deeds.

202. Continuation of a NOTARIAL

#### Reference 59 - 0.01% Coverage

well drafted and contain precise information.

□ It is a matter of concern that there is no Registry or Record kept for Wills and Testaments. Law Practitioners, heirs and successors and members of the public cannot know the existence of any Will and Testament left by a deceased person. This state of affairs gives rise to doubtful and inaccurate affidavits being drawn up. At times the legal heirs and successors are left out. At other times, the persons who have been bequeathed with properties are discarded in the affidavit.

THE COMMISSION RECOMMENDS:

212. It

#### Reference 60 - 0.01% Coverage

IN RODRIGUES THE COMMISSION FINDS

□ The information contained in the Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit.

□

It has also been observed

#### Reference 61 - 0.01% Coverage

IN MAURITIUS

THE COMMISSION FINDS: □

No deed, whether authentic or under private signatures, witnessing the sale or transfer of, or the constitution of any privilege, mortgage or servitude or right of use over, an immovable property the title to which is derived from acquisition by prescription witnessed by affidavit of prescription, shall be valid unless the affidavit has been transcribed, and a reference to the particulars of such transcription is endorsed on the deed.

□

The above refer only to

#### Reference 62 - 0.01% Coverage



In line with Section 8 of the Copyright Act 1997, the Truth and Justice Commission is the copyright owner and as a general rule, at the end of a project, materials and research data are the property of the institution that hosted the project.

However, in the present instance

#### Reference 63 - 0.01% Coverage

locally.

##### 2. Landownership and dispossession

The cause of the absence of land ownership among descendants of ex-slaves was widely discussed. It was made clear however that ex-slaves had not always been property less and Dr. Allen's work clearly showed the extent of land acquisitions not only after abolition of slavery but property ownership and entrepreneurial activity among manumitted slaves. The question was therefore: if ex-slaves had owned land and businesses, how did they lose them? Were they the only groups to lose them? Is there any possibility for any of them to obtain this land?

Related to this was the

#### Reference 64 - 0.01% Coverage

Museum once it is opened.

The site par excellence is the complex on the eastern side of Port Louis comprised of historical buildings all found on State land and currently neglected. It is part of the Buffer Zone of the Aapravasi Ghat World Heritage Property. The Military Hospital complex will provide sufficient space for this and especially as one wing will house the National Art Gallery, a project also to be initiated by the Prime Minister's Office. This Hospital was built by slaves and indeed housed sick slaves on one floor. It is surrounded by other buildings of direct relation to slavery: the Post Office on which site existed the Bagne for Maroon slaves, the Granary where port workers (descendants of slaves) loaded and unloaded rice, the Customs House where slaves and Liberated Africans passed through when they first arrived in Mauritius in the 18th and 19th centuries, amongst others. Ratsitatanina, the Malagasy Prince, exiled to and executed in Mauritius was imprisoned in the Bagne.

VII. BUDGET (US \$) ESTIMATE BY

#### Reference 65 - 0.01% Coverage

be exempt from payment of:

- i. any registration duty, fee or charges in respect of any document under which the Centre is the sole beneficiary or where immovable property is acquired; and
- ii. any other duty, rate

#### Reference 66 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

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privileged position to dispossess their ancestors of their property, because the privileged could read and write, draft title deeds, using a technical jargon not accessible to the common man, draw site plans, easily 'wrap up' plots of land, deprive them of access, use the "divide and rule" strategies among family members, corrupt them with small gains, with the ultimate aim of appropriating large plots of land for their own benefit. Some victims have invariably fallen prey to self-appointed consultants hiding behind beautifully-presented visiting cards, such as "Récupérateurs des terres", having access to documents either at the National Archives, the Mortgages Office, the Registration Office and the National Library and para-statal bodies such as the Nelson Mandela Centre for African Culture Trust Fund.

## METHODOLOGY OF RESEARCH

In pursuance

### Reference 70 - 0.01% Coverage

Moka, Plaines Wilhems and Savanne.

Land and slave-ownership were indicators of economic and social status on the island. Besides the French colonists who possessed large areas "concessions", the 'Gens de Couleur', the soldiers (Noirs de Détachement) who participated in "Maroon Detachments", were given 5 Arpents each. Contrary to the French colonists, they were not allowed to cultivate cash crops such as spices (cocoa, cinnamon, pepper, nutmeg or cloves) on their lands. The only cultivation allowed were food crops. The 'Gens de Couleur' gradually developed other activities: buying and selling, renting land and warehouses. They borrowed money to purchase property. As far as slave-ownership was concerned, most of the 'Gens de couleur' owned domestic slaves. Some slave women ended up as partners of the masters.

the Truth and Justice Commission

### Reference 71 - 0.01% Coverage

Beau Champ and Sainte-Marie.

These two estates belonged to Arthur Lucas. The new company, thus, became the owner of a larger estate which extended over 8,233 Arpents. Three years later, the company was dissolved as it became the property of Belouguet and Monville. Beau Champ was taken over by Simeon, Paul and Auguste Eynaud, while Sainte Marie became the property of Jules Rampal. In 1886, the Government bought some 2,175 Arpents of Bel Ombre forest.

On 3rd May 1910, A

### Reference 72 - 0.01% Coverage

landmarks in the Tourism Industry.

The estate, known as the Réunion Sugar Estate, is the property of the Médine Sugar Estate and Réunion Limited, commonly known as Société Reufac. Following centralization, the estate, situated on the Southern outskirt of the town of Vacoas, consisting of Tamarind, Trianon, Henrietta and Réunion proper. Flacq United Estates Limited, invested in two new subsidiaries, Flacq United Estates Steam and Power Generation Company and Agronat Ltée. The estate's power station, operational since 1994, supplies some 78.3 GWh of electricity on the national grid. With the installation, in 1998, of an additional 100 tonnes bagasse/coal boiler and of an 18.8 megawatt condensing/pass out turbo alternator, it boosted up power generation capacity to some 160 GWh. In 1999, West East Limited disinvested, significantly, in Rogers Group and increased its stake in New Mauritius Hotels to 14.5%. During the same year, West East Limited invested Rs. 133.35 millions in Companhia de Sena SARL, a Mozambican Company, which now owns the Sena Sugar Estates.

More sugar factories were founded

### Reference 73 - 0.01% Coverage

wishes to make certain observations:

- The Commission has noted with great concern that ancestors have been able to sell and/or transfer and/or donate their immovable properties to one child, or some of the children, but not to all their children.
- Some Notaries take the precaution

#### Reference 74 - 0.01% Coverage

this institution to seek redress.

Fraudulent practices, lack of financial resources, ignorance of the law, as well as the inaccessibility to documents and misapplication of the law, and the lack of information concerning land transactions have largely contributed to depriving people of their property.

In this context, the Commission

#### Reference 75 - 0.01% Coverage

or have been dispossessed of  
their property, and to assist the applicant to retrieve all necessary  
documents, including title deeds, plans

#### Reference 76 - 0.01% Coverage

##### DUE ON THE PURCHASE PRICE

The Commission has noted that people have purchased large portions of land on credit and, on the same day, an Inscription has been registered at the Mortgage Office in favour of the vendor. It appears that the sale price or balance of the sale price has not been paid as the Inscriptions have not been erased. This means that the purchaser has not paid the balance of the purchase price. It is possible that the vendor may have taken back the possession of the property sold. in the Repertoire of  
observed that the Conservator of

#### Reference 77 - 0.01% Coverage

It has been the lands  
purchased are still registered in their names and the inscription has not been erased. This has made the heirs and successors believe that the land still belonged to them. In some cases, it has been noted that some sales were made under certain conditions, more especially "vente à réméré". "Vente à réméré" means that the vendor may re-acquire the property sold after the delay mentioned in the deed. he does not pay, the land will remain the property of the purchaser.

If II. NON-OCCUPATION OF

#### Reference 78 - 0.01% Coverage

##### MISINTERPRETATION OF WILLS AND TESTAMENTS

Whenever a Will or Testament is drawn up by a Notary Public in the presence of four witnesses or by two Notaries and two witnesses, it is very clearly stated that the testator is bequeathing "all the properties,

movable or immovable which the law permits him to dispose of and which he would leave at the time of his death”.

The Law permits any person to dispose of a portion of his property defined as “quotité disponible”, which is equivalent to a share of a descendant. In the case

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#### Reference 79 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

when he has no descendant or ancestorst, he may dispose of the whole property. He must keep a reserved portion for his children, depending on the number of children.

In some cases, it has been noted that the Testator has disposed of all his properties.

The Commission has further observed that in some cases, the universal legatee has disposed of all the properties of the testator, to the detriment of the rights of the “héritiers réservataires”. This has occurred because he (the legatee?) has been

wrongly advised that he is entitled to all the properties of the deceased by the Will and Testament.

In other instances, the Commission has observed that the person named in the Will or Testament has forcefully taken possession of all the properties of the “de cujus”, thereby depriving all the other heirs and successors of their rights.

##### V. CONFLICT AND MISUNDERSTANDING AMONG

#### Reference 80 - 0.01% Coverage

##### AND MISUNDERSTANDING AMONG THE HEIRS

In many cases, the Commission has observed that some people have been deprived of their properties through their own faults and negligence.

Instead of joining forces and resources to fight the ones who have dispossessed them of their properties, they have fought among themselves.

Unscrupulous persons, taking advantage of

#### Reference 81 - 0.01% Coverage

in contravention of the Law.

In other cases, due to the great number of heirs and successors, it becomes difficult to gather them together for concerted action to preserve their property rights. This has occurred where there are children of different unions or marriages, the children of one union having never been in good terms with the other union. The animosity has increased with time to such an extent that no reconciliation has been possible. Heirs have been quarrelling constantly, thereby leaving property unoccupied. This has led other people to squat on this property, and with the passage of time, the legal heirs and successors have, through their own fault, lost their property.

##### VI. LACK OF ACCESS TO PROPERTY

Many complaints have been made

#### Reference 82 - 0.01% Coverage

Estates.

#### VII. LACK OF PROFESSIONALISM

During the course of hearings, and while scrutinizing the case files, the Commission has noted with great concern and deep regret that some persons have been deprived and /or dispossessed of their properties, due to the fault and negligence

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#### Reference 83 - 0.01% Coverage

##### THE LAND TRIBUNAL (TRIBUNAL TERRIER)

In 1767, when Mauritius ceased to be a possession of the French East India Company to become a French Crown Colony, the powers of the Superior Council were modified and its responsibilities limited to those of a Court of Justice. The administrative powers it had hitherto exercised were transferred to the Governor and Intendant, while a new body known as Tribunal Terrier was appointed to deal with all questions pertaining to landed property.

The Judiciary Ordinance No. 96

#### Reference 84 - 0.01% Coverage

Law Bulletin, No. 154 bis.

By Proclamation of the 21st April 1808, the Code Napoléon was extended to Mauritius. Several subsequent amendments were made. It is known as Code Civil Mauricien and contains 2,283 Articles pertaining to laws concerning people, their rights to a private life, name, domicile, marriage, divorce, adoption, property, succession, division in kind, donation, will and testament, contracts, sale, lease, society mortgage and inscriptions and prescription, among others.

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#### Reference 85 - 0.01% Coverage

##### CAPITULATION OF 3RD DECEMBER 1810

Article 8 of the Deed of Capitulation, signed between the French and English Commanders, on the 3rd December 1810 preserved the religion, laws, rights and customs of the people of Isle de France (Mauritius). This property included land and slaves.

The new Government did not

#### Reference 86 - 0.01% Coverage

Deed of Capitulation.

##### COLONIAL SURVEYORS

Because of the scarcity of natural features, attention was given, when the parcel of concession was delineated, to the quality of ground marking. Boundary stones or bornes were carefully placed. No doubt, within the confines of the early settlement, such marking and measurements satisfy the needs and the immediate requirements of the time. It is to be observed that although the method of counting paces, "Pas

Géométriques" or perambulation, was rather primitive and empirical, the preoccupation of the Legislators was to exercise control over the alienation of property. From a very early date, land matters, as well as property litigation and boundary disputes, known as "contestations foncières", were settled by the Land Tribunal.

As grants grew up in number, a need was felt to give more security and protection to land holdings. Surveyors were called from France to demarcate properties, by a method of metes and bounds. Properties were demarcated by fixing boundaries, and stones were correctly placed. The colonial Surveyors were bound to submit memoranda of survey, after duly assigning the neighboring owners

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#### Reference 87 - 0.01% Coverage

Capitulation document signed in 1810:

Art. VII. The property of the inhabitants shall be respected. Art. VIII. The inhabitants shall preserve their religion, laws and customs.

As explained earlier, the Code

#### Reference 88 - 0.01% Coverage

abolition of the feudal system.

Under the Code Napoléon, land was treated as purely allodial, capable of being disposed of as freely as any other property. During the post-Revolutionary period, many concessionaires availed themselves of the clauses to become de facto fully-fledged owners of the land they occupied before the revolution.

In Mauritius however, the system

#### Reference 89 - 0.01% Coverage

Dictionary as meaning the "right

to receive the produce of property either in kind or indirectly and the right to

#### Reference 90 - 0.01% Coverage

the Crown by free grants".

With the view of abolishing the uncertain tenure of grants 'en jouissance', the Government proposed to substitute grants in perpetuity, or leases for longer terms of years, according to the nature of the property, object, purpose and terms of the original grant.

In a report dated 1st

#### Reference 91 - 0.01% Coverage

lois ou par les règlements."

(Eng. Trans. Property is the right to enjoy, and dispose of things in the most absolute manner, so long as one does use of these in a manner forbidden by the Law or Regulations in force. »)

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#### Reference 92 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE RIGHT TO PROPERTY BY NON-EUROPEANS Moreover, it is important to understand who those who could not have access to land. In accordance with the "Lettres Patentes

#### Reference 93 - 0.01% Coverage

de leur chef». Code xxi

In 1767, the enactment of the Loi d'Emancipation recognizes the existence of a third category of citizens between whites and slaves. This new category of individual comprised manumitted slaves, people of colour mostly mulattos, free Indians. These people could henceforth hold property, maintain slaves and enjoy all rights bestowed on white subjects but could not herit from or receive from white citizens. Any donation or succession in their favour would be declared null and void, in accordance with articles Li& Liiv of the code.

«Déclarons les affranchissement faits dans

#### Reference 94 - 0.01% Coverage

le plus prochain». Code Li

The Convention proclaimed in 1794 that all men are created equal. This infers that slavery was de facto abolished in isle de France. Unfortunately, the French colons of isle de France registered a strong protest and opposed to the application of the law so that the decision of the Convention was a dead letter. Otherwise, free people of colour, emancipated slaves would have the right to acquire property. Although when Napoleon Bonaparte became Emperor in France in 1802, he reestablished slavery and even denied the privilege of right to property conferred to emancipated persons namely free people of colour to include Indians, mulattoes and enfranchised slaves. But in practice, free people continued to acquire property as evidence from registers of concession kept at the Mauritius Archives.

In so far as the

#### Reference 95 - 0.01% Coverage

of Ordinance 28 of 1853.

The coming into force of Ordinance 21 of 1853 repealed Ordinance 57 of 1829 so that it was not after 18 years from the date of their liberation that the ex-slaves could acquire property, receive donation, accede to succession of natural parents and also be registered in the civil status as free citizens of the colony of Mauritius.

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#### Reference 96 - 0.01% Coverage

European settlers and encourage the production of the foodstuffs, naval stores, and other commodities needed to support the French political and naval presence in the Indian Ocean. Following the advent of royal rule in 1767, the Colonial Government continued this policy until the late 1780s when it began to sell public land, usually at a very reasonable price, to the colony's inhabitants. The properties, granted or sold to French and other European colonists during the eighteenth century, provided the nucleus around which many of the colony's sugar estates were subsequently built during the early nineteenth century. However, Europeans were not the only Mauritian residents to acquire landed property. Significant numbers of the colony's residents of African and Asian origin or descent also purchased, or otherwise acquired access to or use of land during the eighteenth, nineteenth, and twentieth centuries. Their ability to do so similarly played an important role in shaping the course of the country's social and economic history.

#### FREE PERSONS OF COLOUR

The

#### Reference 97 - 0.01% Coverage

history.

#### FREE PERSONS OF COLOUR

The Mauritian population comprised three principal components during the eighteenth and early nineteenth centuries: persons of European origin or ancestry, free persons of African, Malagasy, and Asian origin or ancestry, and slaves of African, Malagasy, Indian, and Southeast Asian origin or ancestry. Slaves, who regularly accounted for the overwhelming majority of the colony's population during this period, were legally prohibited from owning property by Section twenty-one of the Code Noir, promulgated in December 1723. No such restrictions applied, however, to the island's free coloured residents. These individuals, commonly referred to as Gens de couleur libres in the archival record and studies of the country's history, included both freeborn persons of African or Asian origin or ancestry and manumitted slaves.

The origins of the Mauritian

#### Reference 98 - 0.01% Coverage

of the eighteenth century.<sup>5</sup>

In Mauritius, as in slave plantation colonies in the Americas, the acquisition of real property was crucial to free coloureds' attempts to establish a significant place for themselves in colonial society. Mauritian Gens de couleur acquired such property in various ways: through grants or purchases of public land, as gifts and bequests from family, friends, and former masters, and by private purchase. The total number of these transactions is impossible to determine, because many of them were handled privately (*sous seing privé*) and remain hidden from our view.

in part

Between 1748 and

#### Reference 99 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

be sold by the Colonial Government in the early 1790s. No more than 17 percent of all such sales between 1807 and 1810, for example, were made to free persons of colour. The arpentage in free coloured hands remained even less than these percentages might otherwise suggest. In 1788, Gens de couleur owned a mere 3.5 percent of all inventoried land in the colony; in 1806, after almost forty years of actively acquiring real estate, free persons of colour held only 7.1 percent of all inventoried land (see Table 1). The size and location of these grants and sales underscore the fact that Mauritian Gens de couleur possessed only limited economic resources at the beginning of the nineteenth century. More than four-fifths of the properties in question encompassed less than one arpent. Approximately two-thirds of these properties were located in Port Louis or Mahébourg where most of these terrains covered no more than several hundred toises, an area large enough only for the erection of a house, workshop or store and the planting of a modest garden. Mauritian Gens de couleur also began to acquire real property during the mid-eighteenth century as gifts and bequests and by private purchase. As noted earlier, the full extent of this activity is impossible to ascertain because many of these transactions were handled *sous seing privé*. On numerous occasions, however, free persons of colour called on notaries to formalize these transactions. The survival of tens of thousands of notarial acts executed by Gens de couleur during this era affords a opportunity to chart the general outlines of free coloured land acquisition and ownership and, equally important, to discern how these men and women mobilized the financial resources they need to acquire and develop ever greater quantities of land over time.

Table 1 FREE COLOURED LAND

#### Reference 100 - 0.01% Coverage

vol. 1, pp. 52-227.

The Notarial records reveal that free persons of colour first purchased houses and occasional plots of land on their own account no later than the late 1740s. A sample of 543 transactions drawn from the acts of six notaries active between 1737 and 1820 indicates that free coloured involvement in the local real estate market remained rather limited until the 1790s. A substantial majority of the property transfers recorded before 1780 involved the sale of small houses (cases) and out-buildings such as kitchens and sheds which were frequently situated on public land (*terrain non-concédé*) in Port Louis. While some of the buildings changing hands had been in their owner's possession for years, others were clearly regarded as investments to be bought and then sold quickly if a reasonable profit could be made on the sale. Both Whites and Gens de couleur dealt in these structures. Between 1748 and 1779, for example, five notaries documented seven sales in which

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#### Reference 101 - 0.01% Coverage

certain degree of financial independence.

Gens de couleur obtained the funds they needed to purchase land, houses, and other property such as slaves from various sources. In some instances, manumitted slaves were the beneficiaries of generous gifts or bequests from their former masters. On 28 December 1763, for example, François Desveau not only confirmed the freedom of Hélène, the daughter of Roze, *négresse de caste indienne*, but also bequeathed Hélène the impressive sum of 20,000 livres.<sup>8</sup> The following year, Nicolas Auclair's last will and testament not only freed Susanne, *négresse de caste malgache*, and her six children on the day of his death, but also stipulated that she was to receive his plantation together with all of his slaves, livestock, furniture, and other personal

#### Reference 102 - 0.01% Coverage

Gens de couleur borrowed money.

Free persons of colour, accordingly, looked elsewhere for the capital they needed to participate in the local real estate market. Those who already owned land, houses, or slaves drew on the profits that could be made from the sale of unwanted property. Certain kinds of employment could be very remunerative for those fortunate enough to obtain it. Vivien de Carmasson, for example, agreed

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#### Reference 103 - 0.01% Coverage

well

into the early nineteenth

century. Even when Gens de couleur managed to purchase large tracts of land, they were often unable to mobilize the funds they needed to clear their land and bring it fully into production. Their inability to do so stemmed in part from the fact that this population had to rely heavily on its own financial resources for developmental capital. The necessity of doing so is suggested by the fact that thirty-three of the fifty-seven loans involving Gens de couleur mentioned earlier entailed free coloured borrowers going to other Gens de couleur for the money they needed. However, even when Gens de couleur willing and able to loan money could be found, it is apparent that most of these persons had limited capital resources at their disposal. This state of affairs reflected the fact that a great majority of Mauritian Gens de couleur depended on the colony's service sector for their livelihood during the late eighteenth and early nineteenth centuries and that many, if not most, of these individuals possessed little or no property of consequence.

Census data from this era

#### Reference 104 - 0.01% Coverage

1820s, if not before.<sup>16</sup>

The economic fortunes of Port Louis's free coloured residents, like those of Gens de couleur who lived in the rural districts, varied widely. Almost 30 percent of the city's free coloured households owned no taxable property in 1806, while another 41 percent of these households possessed either real property or slaves, but not both. Even those free coloured persons fortunate enough to own both real property and slaves were often persons of rather modest means as the appraised value of their land and/or buildings attests. Of the 664 households whose property was appraised, 9.6 percent owned only a house, usually described as a straw hut (paillote) of no value, 50.5 percent owned property valued at less than 250 piastres (\$), 17.8 percent held property valued from \$250 to \$499, and 22 percent owned property valued at \$500 or more. The value of free coloured real property in the city that year totalled \$247,879 compared to \$2,582,765 for the city's white residents.<sup>17</sup>

By the end of the

#### Reference 105 - 0.01% Coverage

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informed Armand Hugnin, Civil Commissioner for Plaines Wilhems, that ex-apprentices formerly in his service were living on small properties, some of which were near his own estate.<sup>23</sup> Two weeks later, William Saunders advised Hugnin not only that large numbers of ex-apprentices were settling near Vacoas, but also that several apprentices in his service now resided on a nearby property without the owner's consent.<sup>24</sup> These various reports indicate that

#### Reference 106 - 0.01% Coverage

during the early 1840s.<sup>28</sup>

If significant numbers of ex-apprentices squatted on vacant properties or leased plots of land, those described by contemporary observers of colonial purchase tracts on which to

#### Reference 107 - 0.01% Coverage

District officials echoed his observation.

The plots in question tended to be small, usually encompassing only one or two arpents, although occasionally former apprentices purchased tracts of twenty or more arpents. The price of these properties varied widely, from as little as ten piastres an arpent in more remote parts of the island to \$100 for an arpent of uncleared land and \$200 for an arpent of cultivated land in rich and well developed agricultural districts such as Pamplémousses and Rivière du Rempart. A striking feature of these sales is that the plots being sold were frequently described as being part of a larger property. The size of these terrains plus considérables or plus étendus varied widely. The two arpents that Colas, ci-devant apprenti de Mr. Collard, purchased from Mr. Jean Leclair in 1839 were part of a forty-arpent tract, while the one arpent that Pierrine Arlequin, ci-devant apprenti de Mr. Bruniquel, bought from Mr. Pierre Severin in 1841 came from a seven-arpent tract.<sup>31</sup> In some

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#### Reference 108 - 0.01% Coverage

496 arpents in 1831.<sup>32</sup>

The subdivision of established estates and other properties that began in 1839 heralded the beginning of what has been characterized as the petit morcellement.<sup>33</sup> Unfortunately, the archival records contain few official references to

#### Reference 109 - 0.01% Coverage

subdivision of estates and other

large properties. A sample of more than 900

transactions drawn from the acts of four notaries active at this time indicates that while the largescale subdivision of properties that characterized the petit morcellement did not begin before late 1838, some proprietors were contemplating such activity several years prior to the end of the apprenticeship system. Mme. Jeanne Françoise Sollied, for example, started to sell off portions of a seventy-two-arpent estate in Pamplémousses late in 1836, with the first two plots being purchased by Hypolite Le Bon dit St. Aulaire and

Charles Agathe, both of whom were probably Gens de couleur.<sup>38</sup> As the end of the apprenticeship system approached, the subdivision of properties began in earnest as estate owners, such as Mme. Eugène Giblot Ducray; started to sell off one- and two-arpent plots from a 104-arpent property she owned in Plaines Wilhems in October 1838.<sup>39</sup> The scale of this activity increased dramatically after April 1839.

The notarial records indicate that

#### Reference 110 - 0.01% Coverage

had run its course. Various

properties continued to be subdivided during the 1850s and 1860s (see below), but this activity remained intermittent and modest in scale.

Although the notarial records are

#### Reference 111 - 0.01% Coverage

owners decided to subdivide their

properties, it is clear that their decision to do so was a deliberate one. In some instances, some of the sales made to ex-apprentices were undoubtedly intended to formalize their ownership of land which they already claimed, or at least viewed, as their own. Historians have appreciated for some time that the struggle for control of slaves' provision grounds was an important factor that shaped life during the post-emancipation era in some colonies in the Caribbean.<sup>40</sup> The extent to which Mauritian slaves had access to such grounds is unknown, but scattered references to slaves owning large numbers of pigs, goats, and chickens and trusted slaves being allowed to market fruits, vegetables, and other produce,<sup>41</sup>

suggest that substantial arpentage may

#### Reference 112 - 0.01% Coverage

buying was to be found.

This propensity of Mauritian ex-apprentices to reside in the general vicinity of the small properties they purchased is not unexpected. Post-emancipation Caribbean history is replete with examples of former apprentices who, despite an intense desire to dissociate themselves from all vestiges of their former condition, nevertheless continued to live in relatively close proximity to the estates on which they had once labored. Their reasons for doing so are not difficult to discern. Complex webs of social, economic, and psychological ties that had been created over the years were not easily or readily dismantled. Moreover, many estates included large areas of uncleared or unused arpentage, precisely the kind of land that estate-owners were inclined to sell and former apprentices were inclined to acquire, especially if they had lived on or near the land in question.

The ability of ex-apprentices to acquire such properties stemmed in part from the fact that some of these men and women apparently possessed substantial amounts of cash. Exactly how much money ex-apprentices held cannot be determined with any precision, but considerable sums seem to have been involved. The cost of acquiring an adult apprentice's services between 1835 and 1839 ranged from \$200 to \$250, a fact which suggests that the 9,000 apprentices, who reportedly purchased their freedom before emancipation, spent at least \$1,800,000 to do so. The ability of slaves to accumulate sizeable sums of money is attested to in other ways. Commenting on the demise of a short-lived government-backed Savings Bank in 1831, Protector of Slaves R.H. Thomas not only reported the names of a Government slave and a

Government apprentice who had funds in the bank, but also acknowledged that slaves who had saved some money were financially astute enough to appreciate that the 12 percent interest they could expect, when their masters held their funds, was far superior to the 5 percent offered by the Savings Bank.<sup>44</sup> The notarial records likewise confirm that individual ex-apprentices possessed, or had access to, significant financial resources. During the first two years of the petit morcellement (1839-40), 75 percent of those who purchased land paid the full purchase price at the time of the sale's formal completion, a figure that rose to 83 percent during 1841-42 and then to more than 90 percent during the remaining years of the petit morcellement.<sup>45</sup>

That some Mauritian apprentices commanded

#### Reference 113 - 0.02% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

That some Mauritian ex-apprentices had significant financial resources at their disposal may also be inferred from the speculative nature of some early morcellement activity. One of the more striking features of the morcellement process before 1843 is the relatively large number of properties that had been in their owners' hands for only a short period of time before undergoing subdivision. Of the thirty-six properties in the sample under consideration, twelve had been purchased less than a year before the onset of morcellement, while eighteen belonged to their owners for less than a year before subdivision began.

The financial incentives to subdivide an estate or other property could be considerable. Returns of 100 to 200 percent on original investments were common for both large and small landowners who engaged in morcellement activity. M. and Mme. Pierre Leclos, for example, realized \$2,506 between mid-1840 and early 1847 from the sale of 42.5 of the 62 arpents they purchased in October 1838 for \$1,000. The demand for land by ex-apprentices and others and the financial rewards for satisfying that demand often encouraged further subdivisions of the small plots created by the morcellement process. Emile Zéphir's activities are a representative case in point. On 18 May 1841 Zéphir paid \$125 to M. and Mme. Eugène Dombreu for a five-arpent tract from the terrain plus considérable the Dombreus had started to subdivide earlier that same year. The following year, Zéphir sold four of the five arpents in question for a total of \$250. This process of submorcellement often continued still further. On 25 May 1841, Fidale Robin purchased 3.5 arpents from the Dombreus for \$140 cash.<sup>49</sup> The following January, he sold 1.5 arpents from this tract to Mlle. Phrasie Ariotte, who paid \$50 down toward the purchase price of \$75.<sup>50</sup> Two and a half months later, Mlle. Ariotte sold two portions (each encompassing one-half arpent) of this 1.5 tract to Benjamin Moujava and Mlle. Geneviève Félix, each of whom paid \$32.50 for their half-arpent.<sup>51</sup>

The colony's ex-apprentices were not the only participants in the petit morcellement. The countryside housed a large free coloured population by the 1830s, and the notarial records indicate that Gens de couleur also actively bought and sold land during this process. The full extent of this activity is difficult to gauge because notarial acts ceased specifying the socio-legal background or status of the persons involved after 1830. As such, Gens de couleur can often been distinguished from ex-apprentices only on the basis of problematic criteria such as surnames, occupations, places of residence, and details about the land in question. With this cautionary thought in mind, we may note that sixteen of the ninety-six subdivided properties in the sample under consideration, or approximately one-sixth of these properties, apparently belonged to free persons of colour. These properties varied greatly in size, from as few as four arpents to almost ninety-two arpents, with more than two-thirds of them encompassing an area of twenty-five arpents or less.

Although local authorities observed that "many" former apprentices held land by the mid-1840s, any sense of the number who did so cannot be ascertained before 1846. The Census conducted that year reported 2,388 "independent proprietors" among the colony's ex-apprentices who accounted for 4.9 per cent of the

total ex-apprentice population and 58 per cent of all such proprietors.<sup>52</sup> Unfortunately, the criteria used to distinguish “independent” proprietors from other landowners were not reported; neither is the use to which these properties were put. The 1851 Census reported that the number of ex-apprentice independent proprietors had declined dramatically, to just 778 individuals who accounted for 1.6 per cent of all ex-apprentices and 24.8 per cent of all such proprietors.<sup>53</sup> Contemporary sources are silent about the reasons for this decline, but there is good reason to believe that it was linked to the limited capital resources at the disposal of many former apprentices and to the severe economic crisis that afflicted the colony after four of the five London banking houses that financed the local sugar industry failed in 1848.<sup>54</sup>

Ex-apprentices disappear as a

#### Reference 114 - 0.01% Coverage

of a twenty-two-arpent  
followed in their footsteps. Like Seckzorip and Seckmarali, a few of these individuals purchased sections of larger properties that were being subdivided but, in general, Old Immigrants do not appear to have participated actively in the petit morcellement.  
Indian immigrant involvement in the

#### Reference 115 - 0.01% Coverage

The notarial records reveal that  
these individuals continued to purchase small plots of land, usually encompassing less than two arpents, at a sustained but modest rate during the 1840s, 1850s, and early 1860s. The various natural disasters that befell the island during the mid-1860s, especially the malaria epidemic of 1867-68, slowed this process, but by the early 1870s, Old Immigrants were not only actively purchasing land once again, but also doing so in numbers that heralded the advent of what has become known as the grand morcellement of estates and properties that continued well into the early twentieth century.  
The notarial records indicate that the grand morcellement continued the process of estate and property subdivision that began during the petit morcellement. Although the petit morcellement came to an end by 1850, properties continued to be subdivided and sold, albeit on a much smaller scale than before, during the 1850s and early 1860s. The notaries Adolphe Macquet and Elisé Liénard, for example, recorded the subdivision during the 1850s of at least nine properties ranging from six to 140 arpents in size. The late 1850s and early 1860s witnessed an increase in this activity. Macquet and his colleague, Laurent Raoul, for instance, facilitated the subdivision of fourteen properties in various parts of the island between 1860 and 1865. Many of these properties, like those subdivided during the 1850s, tended to be rather modest; half of the tracts in question contained fewer than ten arpents, with the largest covering seventy-eight arpents.  
As  
the  
circumstances surrounding the subdivision

#### Reference 116 - 0.01% Coverage

seventy-eight arpents. As  
the

circumstances surrounding the subdivision of properties such as "Le Hochet," the "Terrain Ganet," and "La Ménagerie" attest, some of this activity was closely associated with the rapid growth of the Old Immigrant population residing in and around Port-Louis. Most of the sales from these three properties consisted of small house plots.

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#### Reference 117 - 0.02% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The grand morcellement began circa 1875. The notarial records reveal that Indian immigrants were actively involved in this process, not only as purchasers of the plots in question, but also as de facto agents for Franco-Mauritian estate owners and as large landowners in their own right. The notarial records, likewise, attest that careful thought and planning went into the subdivision of these properties. When Seewoodharry Bhaguth, an Old Immigrant who arrived in the colony in 1855, purchased a 312-arpent tract from Augustin Perrier in 1875, for example, he declared his intention of subdividing the land in question. Perrier agreed on condition that the land had to be sold for at least \$50 an arpent.<sup>58</sup> The sale of large properties to other Indian entrepreneurs at this time frequently contained similar declarations and terms.

The morcellement process steadily gained momentum during the 1880s and early 1890s. As early as 1881, the increasing number of transactions involving Indians led the Director of the Colonial Government's Registration and Mortgage Department to observe that his staff was having difficulty keeping up with the requisite paperwork; two years later, he reported that the increasing number of property transfers in which Indians were involved "will make it impossible for the present staff to keep up the work."<sup>59</sup> By 1895, the scale of this activity was such that Acting Governor C.A. King Harman not only characterized its increasing pace as "inevitable," but also noted that the colony's sugar factories were being improved to handle the canes produced by the growing number of Indian small planters.<sup>60</sup> In 1897, the President of the Chamber of Agriculture acknowledged that the parceling out of estates was proceeding on a large scale, an observation supported by a Protector of Immigrants' report that Indians had added 23,243 arpents worth more than Rs. 4,600,000 to their holdings between 1894 and 1896.<sup>61</sup>

The extent of this activity is also attested to by the rapidly increasing value of the real property acquired by Indian immigrants and their Indo-Mauritian descendants. Indian/Indo-Mauritian investment in land skyrocketed during and after the late 1880s and early 1890s; between 1888 and 1894, immigrants spent Rs. 8,519,676 for land, or almost 60 per cent more than the Rs. 5,342,760 that they had spent on similar purchases between 1864 and 1887. Indian involvement in the local real estate market continued to increase as the nineteenth century drew to a close; between 1895 and 1900, immigrants and their descendants invested another Rs. 10,297,509 in land. The advent of a new century witnessed immigrants and Indo-Mauritians continuing to invest significant sums in land well into the 1920s (see Table 2).

Census data confirm these trends

#### Reference 118 - 0.01% Coverage

##### AND ADMINISTRATIVE ASPECTS Table 2

VALUE OF LAND ACQUIRED BY INDIAN IMMIGRANTS AND INDO-MAURITIANS, 1864-1931 Average Annual Value of Property Acquired

Period

1864-1887 1888-1894



#### Reference 119 - 0.01% Coverage

027,622 1,783,980

a Total value of property changing hands. b For 1904 only.

Sources: PP 1901 CVI [Cd]

#### Reference 120 - 0.01% Coverage

p. 148; RMD 1904-31.

Indian immigrants and their descendants gained access to land in other ways as well. The notarial records reveal that Old Immigrants began to lease land no later than 1850. While most of these early leases covered the use of one- or two-arpent plots for just a year or two, in some instances Old Immigrants rented substantial tracts of land for extended periods of time. In one of the earliest such transactions on record, Nayena, a labourer who had arrived during the immigration of 1834-38, secured the use of twenty-five arpents already planted in cane for four years for an annual rent of \$150.63 Other Old Immigrants, such as Mungroo, who held ticket no. 5324/54,248, were soon renting even larger properties for longer periods of time. When Marie and Clémence Morel came to terms with him in April 1859, Mungroo acquired the use of forty-nine arpents for nine

#### Reference 121 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

According to R. Virasawmy in his 1984 paper, 'A form of Liberation', published in the book entitled Indian Overseas, compared to the 1870s, when land was not available to 'Indian immigrants', they moved on to a situation where they were given access to landownership. Thereafter, there was a new reversal trend where the labourers were part and parcel of the property-owning class in newlydeveloped villages outside estate boundaries.

Cane cultivation was practised as

#### Reference 122 - 0.01% Coverage

the yield for estate owners.

However, because of their situations, small Indian planters had no choice but to accept the offer and be dependent on large estates for processing their canes right up to the marketing of their sugar. It was also a fact that most of the small Indian planters, at that time, were illiterate and poor; thus they were influenced by estate owners in their desire to have a sense of belonging through landownership and residential properties in Mauritius. The Meade report, of 1960, rightly pointed out the level of illiteracy among the growers as follows: "It is most unfortunate that no one seems to have educated the growers to look for sugar per 'arpent,' the real determination of their income when it comes in selecting cane and how to grow it".

Coombes noted that small Indian

#### Reference 123 - 0.01% Coverage

Report of Agricultural Census, 1940

This Census Report of 1940 has categorised two types of estates, according to a particular criterion compared to previous reports which classified as 'Estate' and 'Off Estates' as an association of permanent names with the properties. The influence of the Morcellement system had not only affected the Indian community, but also the Non-Indians. The distribution pattern of cane fields outside the estates shows Truth and Justice Commission

#### Reference 124 - 0.01% Coverage

apprentices on 19th April 1847.

Unfortunately, it was never implemented by Governor Gomm, the Council of Government or the planters, with the exception of Napoléon Savy. The case of Savy helps us to understand why Lord Glenelg's suggestion was never considered in Mauritius. Napoléon Savy was a Coloured sugar estate owner, a well-known barrister in the Colony and originally from the Seychelles. During the 1840s, he acquired Petite Rosalie Sugar Estate, as well as other properties in the Southern part of Pamplemousses District.

92

"I shall be happy

#### Reference 125 - 0.01% Coverage

Limitée ».

and Co. Ltd, and

Following the marriage of Louise Harel to Tristan Mallac, the Harel and Mallac founded, and traded in, the name of Elias Mallac & Company. Ever since its inception in the 1830s, Harel Mallac has played a significant role both as a supplier of goods and services to the industrial sectors of the island. It has turned, today, into the Harel Mallac Group of Companies, comprising some 20 subsidiaries and 35 associated companies dealing in Import-Export, distribution, automotive products, shipping and aviation, tourism and travel, as well as petroleum, gas products, printing, management services, information technology, telecommunications and office equipment products and services, insurance , Freeport operations and Property Management

THE 21ST CENTURY

Sugar is

#### Reference 126 - 0.01% Coverage

far from their residential house.

As mentioned earlier, the "Civil Code Mauricien", which contains 2 283 articles regulates the people's rights to private life, Name, Domicile, Marriage, Divorce, Adoption, property, succession, division in kind, donation, will and testament, contracts, sale, lease, society, Mortgage and Inscriptions, Prescription, etc.

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#### Reference 127 - 0.01% Coverage

of Prescription (Section 5).

#### OBJECTION

Any person claiming to be the owner or part-owner or having any interest in the whole, or part, of the immovable property may within three months of the last publication of the Notice object to the transcription of

the Affidavit, setting out

Mortgages

#### Reference 128 - 0.01% Coverage

rights. DEPOSITION BEFORE THE COMMISSSION

All the applicants – Private and Government Land Surveyors, Attorneys and Notaries, Chief Planner - invited to give their views before the Truth and Justice Commission (See attachments) readily admitted that the Law has been respected in all circumstances. Yet, it must be observed that the information contained in the Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit. For example, in certain Notices, the description given is so vague. In so many Notices, mention is often made "On the first side by a public road", "on the second side by an unknown proprietor", "on the third side, proprietor is unknown", etc. The law is clear as to the "precise description", "the exact location", "the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land." It is very difficult to believe that the person who has been occupying a plot of land since 30 years does not know the name of his neighbours.

There have been cases where

#### Reference 129 - 0.01% Coverage

showing location of Lalande land

In 2006, after having obtained full power of attorney from members of the Lalande family, one Carl Larose, through Notary Arveen Ramphul, registered on 14th September 2005 a "Procuration" (Register C/4 No. 513), giving to Larose full power to administer and sell the property. A portion of an extent of 33, 768 square metres was thus excised from the 422, 090 square metres that constituted the Domain of Baie Diamond.

"Au moyen des présents et

#### Reference 130 - 0.01% Coverage

on the above-mentioned land.

However, on 13 July 1967, Emmanuel Allas sold the same property to Chung Voon, his tenant, for the price of Rs. 20,000, as evidenced by TVR 6 No. 122.

The same land has been

#### Reference 131 - 0.01% Coverage

been sold on two occasions.

In the light of the above, Emmanuel Allas has deprived his son, Louis Kurven Allas, of the property sold to the latter some 8 years before. The heirs are advised to seek redress in Court.

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#### Reference 132 - 0.01% Coverage

TJC/L/R/0011 {Roussety}

Joyce Roussety acquired a plot of land at Camp Du Roi in her own name. Her nephew Laval Purcy Roussety accused her of robbing the land from the heirs. He requested that she returns the property to the heirs by signing a document, so that the land could be shared equally. Joyce Roussety accepted.

She avers that after the

#### Reference 133 - 0.01% Coverage

TJC/L/R/0006 (i)

Bernadette Perrine, born Prosper, is the daughter of Julien Prosper (Fils). The land situated at Bassin Gallard/Saint Gabriel was the property of Bernadette Perrine's grand-father Julien Prosper (Père).

She avers that applicant's father

#### Reference 134 - 0.01% Coverage

who was of European origin.

In the 1960s, Lisa Larose, a "Documentor", came to Rodrigues. At this time there was a typhoid epidemic and Lisa was forced to stay in quarantine on Ile aux Crabes. During her stay on the island, she met with Maragon, the owner, who later sold the island to Séraphine Pipon, who, in turn, sold the property to Lisa Larose. The heirs have a deed of sales which proves this operation.

In present days, the site is occupied by the Government. There is livestock grazing on the island. Since 14/15 years, the Larose family is trying to get back their property. They have written to the administration at Port Mathurin, who referred their case to the Ministry of Housing & Lands in Mauritius, but there has been no follow-up.

Case No.2

In his

#### Reference 135 - 0.01% Coverage

TJC/L/R/0006 (iii)

The Prosper's have land property scattered all over the island of Rodrigues and the Commission has been requested to look into one particular case, that of Solitude.

Following a request to make

#### Reference 136 - 0.01% Coverage

owner of the same land.

The Archival records submitted to the Commission say that the land is the property of the Prospers. The Commission has not heard Mr. Roussety to know his version of the matter.

Up to now, the land

#### Reference 137 - 0.01% Coverage

TJC/L/R/0006 (ii)

A plot of land belonging to the Prospers situated at the Morcellement Petit Gabriel/Pompée is registered as being their property. The land is of an extent of 8 Arpents. It is said that only 4A remain since the other 4 Arpents have been sold. The heirs have never been notified about this fact: who bought it, who sold it and for what price?

The Commission is not aware

#### Reference 138 - 0.01% Coverage

at some point in time.

In Mauritius, land was and is still considered in law as a form of property and during the colonial days as and economic resource. There was no indigenous settlement and so no traditional forms of ownership. Instead there existed ownership by individuals, ownerships by private estates, corporate ownership, by Church and ownership by the State.

Unrecognised in law was the

#### Reference 139 - 0.01% Coverage

of registration of deeds was

introduced: "Here it is that the registration system has been added to safeguard the purchaser from the risk of a fraudulent vendor having already legally conveyed or mortgaged the property to someone else". Guibert describes the registration law as follows: - "...the law of France of the 23rd March 1885 and the Ordinance of Mauritius (No. 36 of 1863) have laid down with regard to third parties".

Thus, what could be registered

#### Reference 140 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

are kept, and in which are duly transcribed under the aforesaid Ordinance: Every deed of transfer, inter vivos, of any immoveable property or of any such property or

rights capable of being

mortgaged

#### Reference 141 - 0.01% Coverage

or

rights capable of being

mortgaged, and every deed; declaratory of any such property or right; every deed importing renunciation of any such right; every judgement declaratory of the existence of the nature abovementioned; every judgement of adjudication; every deed constituting any pledge of immovable property, or any servitude or right of use (droit d'usage) on any immovable property; every deed importing renunciation of the right in the above article enumerated; every judgement declaratory of the existence of such right in virtue of any verbal agreement; every lease of rural property (bail a ferme) of whatever duration; every deed of judgement establishing the discharge or transfer of rent (whether money or produce) not due at the date thereof under such lease; every lease of house property (bail de loyer) of more than three years' duration; every deed or judgement establishing discharge or transfer of rent due at the time under any lease whatsoever of house property when the amount thereof exceeds one year's rent.

However, as underlined in the

#### Reference 142 - 0.01% Coverage

to him to be transcribed".

The Truth and Justice Commission has highlighted some of these issues during the hearings pertaining to some cases, for example, Clémentine (File No TJC/L/0142), Faoulez/ Macca (File No TJC/L180), Capiron (File No TJC/L/O31) and the Spéville/ Choolun, dealt with extensively in the Report on "Dispossession of properties as a result of false, inaccurate, doubtful, wrongly drafted, misinterpretation of affidavit of succession and wills and testaments", at Chapter 5.

Wills are another method of

#### Reference 143 - 0.01% Coverage

as 10 Acres in Mahebourg.

Succession to property was also possible for a non-white person through will. The Arrêté of 24 Pluviose An V (12th February 1797) had declared that free Blacks were capable of receiving all donations "entre vifs" due to death or other, except for concubines.

However, the law of 2

#### Reference 144 - 0.01% Coverage

Black felt towards their master.

Articles 767 and 768 deprived natural children of right to inherit from their father. According to Fromet de Rosnay, writing in 1860s, it was hatred for the non- White to the extreme that motivated the law. This law has permeated Mauritian consciousness and mentality up to today which had deprived hundreds of children of their natural right to property.

After abolition of slavery, the

#### Reference 145 - 0.01% Coverage

up to Plaine des Roches.

Ordinance No. 35 of 1863 declared all rivers and streams as public property. Owners could own springs, except those which were sources of any river which were public property. Unfortunately, it did not protect marshes and as a result, a great number of marshes were planted. This continued

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#### Reference 146 - 0.01% Coverage

d'Eau, all along Rivière Sèche.

The 1875 – 1920 periods witnessed the greatest battles concerning control over rights to property and a number of Ordinances, Court cases dealt with this issue. Forest regulations were hotly contested by plantation owners who then entered the political arena, asking for "Mauritians" to be represented in the Council of Government.

The main law in force

#### Reference 147 - 0.01% Coverage

6th August 2002, "with costs".

This withdrawal before the Court speaks volume in terms of the ownership of the claimant, with regard to the veracity and their interest in vindicating their rights over the property.

On the other hand, it

#### Reference 148 - 0.01% Coverage

KISNORBO LOUIS.E.DIDIER & others

The applicant, Louis Eric Didier Kisnorbo, avers he is one of the heirs of Nicholas Mayeur on son's and daughter's side. The applicant's grandmother, late Anne Kisnorbo, born Cazalens, was the direct and legitimate heir of Nicholas Mayeur. Nicholas Mayeur acquired a property of 264 Arpents 90 of which 200 Arpents are left. Nicholas Mayeur died on March 1809 on his property at Trois Ilots Olivia, Flacq. In his will he gave his property of 210 Arpents to (1) Joseph Mayeur his son, "noir libre", (2) Marie Michèle Mayeur, his daughter "Femme de Couleur". He appointed as executor of his will, his neighbour, Pierre Marquet also called Cottry who was, at that time, the greatest land owner of Trois Ilots. Cottry withdrew as executor of his will and occupied the property (Document 2) as Joseph and Michèle Mayeur could not inherit from their father as le Code Decaen interdicted them as offspring of slaves, to inherit from their father who was a white man.

Pierre Marquet, also called Cottry, died on the 25th March 1825 and on the 1st February 1826, his widow, Hortense Marquet, also called Cottry, declared that the 200 Arpents belonged to Cottry and she bought back the shares of her children. This fraudulent acquisition is transcribed in the "Bureau des Hypothèques" twenty-six years after as evidenced by N53/193, allowing enough time to plead prescription. Widow Marquet, also called Cottry, has not been able to produce the title deed during this sale/acquisition by auction in one lot of the property from 1st February 1826 until today. It is written in Document 4: "Les titres de propriété de l'immeuble formant le second lot se trouvant perdu ou à dire, l'adjudicataire du dit lot ne pourra exiger d'autre titres que le procès verbal d'adjudication..."

From this day up to now, the title deed of the property of Nicolas Mayeur has never been produced during the successive changes of proprietors, neither by the vendors nor by the buyers not even by the different notaries.

According to Octave Béchet, in his book entitled Les anciennes Sucrieries de l'Île Maurice (1960), the old property L'Etoile belonging to Dalais family, is delimited by the property belonging to Mayeur. According to Béchet, the Mayeur or heirs are still the owners.

In their request before the

#### Reference 149 - 0.01% Coverage

that of 'Dispossession of 200

Acres at Trois Ilots by W Marguet dit Cothrey, now land occupied by Deep River Beau Champ Sugar Estates to the detriment of Nicolas Mayeur", but the case was first heard on 28th October 2009, when Louis Eric Didier Kisnorbo deposed as one of the heirs and succession of Nicolas Mayeur who died in 1809 but who purchased during his lifetime a property admeasuring 264 Arpents 90 perches situated at the left bank of 'La Grande Rivière du Canton des Trois Ilots", in terms of a deed drawn up on 28th September 1797 by Notary Jean-François Arnaud and preserved at the National Archives ("Répertoire" NA538/7 No. 472).

According to the hearing summary

#### Reference 150 - 0.01% Coverage

Bhurtun.

The latter filed a

'Rapport de constat' in which he holds the view that Deep River Beau Champ not only has no title to the 200 Arpents being occupied but that the land is being occupied illegally and unlawfully by false title deed links, description, limit and extent, and has usurped the properties and rights of heirs.

In support of his views

#### Reference 151 - 0.01% Coverage

purchased by Deep River Beauchamp.

- Mr. Nicolas Mayeur bequeathed the property to the two heirs above-named. • The majority of the land is now occupied by Deep River Beauchamp Company Ltd for cane plantation and partly by the Sir Seewoosagur Ramgoolam Memorial Garden and Monument.

- The land owned by Deep

#### Reference 152 - 0.01% Coverage

said company belonged to Victoire

Ducasse who donated the property to her children including Laurestin Frichot, their forefather. The applicants relate that they were able to obtain an authorization from the Supreme Court of Mauritius in 2003 in order to survey the land. But according to them, the adverse party successfully intimidated the Land surveyors.

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#### Reference 153 - 0.01% Coverage



## REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The request to the Commission was to investigate whether the plot of the land of 50 perches is still the family property.

Case 2 Applicant's uncle Raphael

### Reference 154 - 0.01% Coverage

late Ange Evariste Dorval) (being the share of Jean Joselin Mauvais Oeil, who indeed, inherited a plot of land, died on the 11th April 1877 late Célestine Julie in the above property) to

In the light of the above, the applicants have no right on the property of 50 perches, nor do they own other plots of land apart from the remainder of the plot at Vallée-des-Prêtres.

\*\*\*\*\*

CASE NAME: LEMIERE TJC /L

### Reference 155 - 0.01% Coverage

plan of "Pas Géométriques" given to Société Koenig, that "concession" does not form part of the property of Salines Koenig. On this plan are also indicated "concession" Genève, "concession" Messein & "concession" Duclos. Following research, the applicant says that he has found in the "Précis Terrier de l'Île Maurice" that "concessions" Duclos is said to be of an extent of 1400 Arpents and in Code Decaen.

In his Master plan, the

### Reference 156 - 0.01% Coverage

is theirs", says the applicant.

Paul Lemièrè contests the Master plan done by Surveyor J.C D'Hotman de Villiers. According to the lease, the "concession" Duclos has never been the property of "Société Koenig Frères".

Case 2 The lease of

### Reference 157 - 0.01% Coverage

to the "Batterie de l'Harmonie".

the State's property made up of 23 Arpents, 50 Arpents and 5 Arpents the 'Pas Géométriques' which are found opposite the triangular respectively. The applicant sustains that

### Reference 158 - 0.01% Coverage

Gaston Martin Moncamp ¼ undivided rights

in the property of 1400 Arpents at Les Salines, Black River, in consideration of a sum of "6500 piastres". The last paragraph of the said deed TV 65/23 reads:- " A la sûreté et garantie dudit prix de vente en capital et intérêts le quarts «indivis» dudit bien demeure par privilège spécial affecté et hypothéqué conformément à la loi";

- As per records in the

#### Reference 159 - 0.01% Coverage

which had never been erased;

- Initially, the said property of 1400 Arpents was adjudged on 21st October 1857 to the abovementioned late Philippe Gaston Martin Moncamp at a sale by licitation before the Master and Registrar of the Supreme Court as evidenced

#### Reference 160 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

and Hippolyte Lemièrre. They had not justified, having fulfilled the conditions under which Philippe Gaston Martin Moncamp became purchaser of the property of 1400 Arpents. The property was thus adjudged as evidenced by the said deed TV 90/65 to one Valey Dabbadie before the Master and Registrar of the Supreme Court. Since then, the said property had changed ownership several times until it was finally acquired by "La Société Palmyre" by virtue of the title-deed transcribed on 19th March 1953 in TV 589 No. 97; and

- In 1882, when the subject

#### Reference 161 - 0.01% Coverage

was also drawn up on

21st September 1882 by the late Sworn Land surveyor, Arthur Langlois, signed by all the parties (late Hippolyte Lemièrre was not a party as he was not the owner of any rights in the property) and registered in Register LS 19 No.1898.

On the basis of the above, the claim of heirs Lemièrre of any rights in the property at Les Salines, as per title deed TV 65 No. 23, and the allegation of encroachment on the property have no foundation.

\*\*\*\*\* CASE NAME: MARTIAL/RATENA (RATNA)

#### Reference 162 - 0.01% Coverage

Favre as his "Exécuteur Testamentaire".

- Me Jeffroy then, a Notary, was appointed judicially "par sentence du tribunal de première instance" on 03 December 1847 to carry out the division in kind of the property held in joint ownership.
- the exercise was carried out

#### Reference 163 - 0.01% Coverage

Bretonache or any other person.

The question of the property rights of the Médine Sugar Estate was raised again. On the 3rd November 2008, Médine Sugar Estate lodged a plaint in court against P. Moogon and Boudeuse for illegal removal of stones from their

#### Reference 164 - 0.01% Coverage

and was not even transcribed."

During the Court proceedings, avers Land surveyor Koyratee, "Médine sugar estate was unable to produce any reliable evidence ("titre de propriété") of their property rights on the land of 156 ½ arpents or 80 arpents originally held by Mathurin Jeannot".

The Commission is unable to

#### Reference 165 - 0.01% Coverage

the land at Beau Songes.

The document obtained reveals that the 24 Arpents plot of land were surveyed in April 1916 by one Emile Belcourt and found to admeasure 32 Arpents 38 perches. This property has been the subjectmatter to a proecipe in the District Court (cause No. 87/82). In the same paper, reference is made to an extent of 600 Arpents. "Bien Beau Songes surveyed by Laurent on 1st December 1918" in respect of which no information has been given by Louis Benoit Marion.

Further searches undertaken by the

#### Reference 166 - 0.01% Coverage

succeeded to recover the land.

Unfortunately, they learnt that years ago, the Reunion Sugar Estate had annexed their land to its domain land and had afterwards sold the property to Médine Sugar Estate.

Around year 1996, all heirs joined forces and started legal action to recover their property. They compiled a list of all the heirs, swore an affidavit and drew a family tree. They could not go further as they were denied access to their land by Médine Sugar Estate

Truth and Justice Commission 156

#### Reference 167 - 0.01% Coverage

Désiré Marison made a "testament

olographe" (NA 87/10 No. 1243) whereby she gave all her property (land & chattel) situated in Vacoas to one Robert de Chazal. She gave to Magère Marison, brother of her late husband, a plot of land of extent of 4 Arpents extracted from the land which has been given to Robert de Chazal. As the Marison at that time were illiterate, the heirs thought that there might have been another will made by Robert de Chazal in favour of the heirs Marison being given that, at the death of Robert de Chazal, there has been a deposit of sale of land under private signature by one of the owners before actual owner, Médine Sugar Estate.

They request the Commission to

#### Reference 168 - 0.01% Coverage

at Royal Road, Rivière-du-

Rempart. The Magistrate observed that the “plaintiff has a clear and unchallenged title to her property and is accordingly entitled to the enjoyment of some without Defendant’s interference” (Pierre Edouard Jolicoeur).

There is another case in

#### Reference 169 - 0.01% Coverage

at Royal Road, Rivière-du-

In both cases, Pierre Edouard Jolicoeur did appeal against the two judgements which debarred him from the said property. Therefore, as the matter stands, the applicant cannot have any claim to the said portion of land.

Further searches, undertaken by the

#### Reference 170 - 0.01% Coverage

Jeunes, Swimming Pool, and Dispensary.

Searches have revealed that according to “Répertoire” 91 No. 367, Delphine Jolicoeur was the owner of a plot of land of the extent of 9 Arpents at Piton as evidenced by Title deed 21 No. 102, dated 29th September 1924. The plot of land is not found in Rivière-du-Rempart as the applicant claimed but in Pamplémousses. As to this property belonging to the said Delphine Jolicoeur, the applicant does have a claim as per the affidavit of succession.

\*\*\*\*\* Truth and Justice Commission 159

#### Reference 171 - 0.01% Coverage

0019/ROOPSING SARDANAND and others

Sardanand Roopsing, the applicant, avers that his father, Mohun Roopsing, has inherited from his father, Nepaul Roopsing, 2 plots of land of 69 ½ perches and 1 Arpent 42 perches respectively at Roches Noires, Rivière-du-Rempart. When the property of his father was shared among the heirs, both he and his brother, sole heirs of applicant’s grandfather, forgot to include this plot of land in their will. At Registrar General’s Office, the land is still in grandfather’s name.

The Roopsing family asks the

#### Reference 172 - 0.01% Coverage

information to prove the claim.

In fact, “Répertoires” 136 No. 435 and 261 No. 579 revealed that Lucia Miguel did exist and had several plots of land and properties which were sold namely:

- 1 ¼ Arpents at Flacq to

#### Reference 173 - 0.01% Coverage

been received from them yet.

Ange Eloï Capiron requests the Commission to look into the case so that the family may get back the land which they consider to be their property.

Case 2 Widow Clément Julie

#### Reference 174 - 0.01% Coverage

of land at Beau Bassin.

Case 4 Henri Vignes sold to Léonel Capiron and his wife two plots of land situated at Mozambique Street and Entre-casteaux Street Port Louis. Léonel in his will left all his assets to his wife Anna Beatrice Rebecca Vignes. Anna Rebecca Vignes made a will in favour of the wife of Ange Eloï Capiron (born Vignes). She made a will in September 1953 in favour of Louise Vignes. Louise Vignes sold the land in 1929 according to deed of sale dated 22nd March 1929. The applicant is questioning the date of sale of the land (1929), which according to the date of the will made in favour of Louise Vignes, that is 1953, should normally be her property in 1953.

The applicant requests the Commission

#### Reference 175 - 0.01% Coverage

died on 23rd October 1969.

- According to her last Will and Testament made before Notary public Roger Hermance Louis on 20th October 1969, in the presence of four witnesses, she bequeathed all her properties to Marie Capiron.
- The will was registered on

#### Reference 176 - 0.01% Coverage

400 toises and 94 Toises.

- One Marie Thérèse Isabelle Capiron claimed that she is the very Marie Capiron who received the property.

Truth and Justice Commission 169

#### Reference 177 - 0.01% Coverage

by Hurrangee and Samlo Industry.

Jean Eloï Hervey Capiron is of the view that the vendor had no right to sell the property. The late Marie Lucie Lise Vignes bequeathed the property to Marie Therese Isabelle in virtue of her last will and testaments dated 20th October 1969.

The said Marie Thérèse Isabelle

#### Reference 178 - 0.01% Coverage

bearing to the present case.

As regards Case 2, (being an affidavit of prescription dated 3rd April 1917), registered as TV 322 No. 238, the following persons have prescribed the land namely Polidor Roméo, Jean Baptiste Roméo, Nemours Roméo, Nelzire Roméo (wife: Alice Lebon) and Marie Léa Romeo (wife of Epidariste Balthazar). As such these people have undivided rights in that property. At no place is the name of Augustin Gateau mentioned. In the light of the

#### Reference 179 - 0.01% Coverage

charges and inscriptions burdening the properties of heirs. The number of the inscriptions is the same as the purchase price of the properties.

\*\*\*\*\* CASE NAME: BERNARD TJC/L

#### Reference 180 - 0.01% Coverage

that the applicant's father, named Seetulparsadsow Prayag, passed away on the 15th April 1967. A copy of the "Case hypothécaire" 293/617, 342/937 and 349/872 indicate that between the years 1945 to 1952, Seetulparsadsow Prayag disposed of all his properties. The applicant was only a 5 years minor then. So, the properties which are being claimed have already been disposed of by applicant's grandfather, and nothing has been

#### Reference 181 - 0.01% Coverage

widow of Hippolyte Baptiste.

In

October 1863, they proceeded with a division in kind of the property and agreed to a partition made "à l'amiable" whereby each party was attributed an extent of 3 1/3 Arpents each.

However, from a report of

#### Reference 182 - 0.01% Coverage

of militia to look after

their property. prescription causing "overlapping of title deeds".

In his quest for identifying

#### Reference 183 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

Following representations made, the FUEL has always affirmed that the land was the property of the "company by occupation". D. Ramphul reports that the FUEL Sugar Estate has let the land to a number of planters under the "métayer system".

The Commission is well aware

#### Reference 184 - 0.01% Coverage

by Tatorio Holdings (Mtius) Ltd

Tatorio Holdings (Mtius) Ltd. purchased the property from "Le Petit Morne Ltd." in terms of a Notorial Deed transcribed in Vol. 6924 No. 2.

In the deed, the description

#### Reference 185 - 0.01% Coverage

L.S57 No. 50/37.

The Commission has come across another report drawn up by the same J.C. D'Hotman in respect of the same property, but drawn up in English ref. L.S54 No. 24/50 which indicates the same boundaries as defined in the deed mentioned above and, likewise, does not mention the presence of any settlement within the area nor of the access called Chemin Dansac.

Tatorio Holdings (Mtius) Ltd. purchased the property for the price of eighteen million one hundred and fifty six thousand eight hundred and thirty six Euros, i.e., 18,156,835 euros for the specific purpose of using the land for the development of a project under the Integrated Resort Scheme (IRS) as per the certificate issued by the Board of Investment on 4th December 2007.

In the report submitted by

#### Reference 186 - 0.01% Coverage

SYBILLE daughter of MRS. MALOUE

Sybille Huët, the applicant, presented two cases before the Commission. In the first case, she wants the assistance of the Commission to find a conclusion so that they may obtain the necessary documents in order to retrieve their property and in the second case, she wants to get back a plot of land, she believes is hers.

Case 1 In 1947, the

#### Reference 187 - 0.01% Coverage

for the 8th November 1980.

The property was seized on 9th December 1983 following a seizure as service of a "Notice Commandant" was personally served on

#### Reference 188 - 0.01% Coverage

11,000 and was refused.

The property was sold before the Master Bar on the very day, on 19th April 1984, and adjudicated to Mohamed Feisal Peeroo represented by his agent and Proxy Mamode Aniff Peeroo for the sum of Rs. 181,000.

In July 1984, Pierre Roger, his mother and Philippe were in the house when the purchaser and the police officers removed the personal effects of the Fortuno family. Peeroo took possession of the property.

Nobody was aware of the seizure and sale. It was only the police officers acted on that very moment their removable effects were thrown on the street that the family realized what was happening to their property. Pierre Roger, his mother were

#### Reference 189 - 0.01% Coverage

Hospital or the treating doctor.

Why have Marie Edna Fortuno and Widow of Joseph Anatole Fortuno never been served with a "Notice Commandant," notice of seizure and sale, although they had a right and share in the property.

The sale dates back to

#### Reference 190 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

The Commission analysed the case and it is revealed that, in fact, the CHA house was purchased during the legal community of goods and property which existed between her and her husband, André Rubain Riacca, at the time when they were married. According to title deed transcribed in TV 4759 No. 43, the Central Housing Authority did sell the house to the late André Rubain Riacca.

As per notarial deed transcribed

#### Reference 191 - 0.01% Coverage

##### L/0056/VF/LASERINGUE MICHELE

Michèle Laseringue, the applicant, states that she is the wife of Harris Laseringue. After 10 years of married life, she left her husband and her home situated at Avenue Laseringue Palma, Quatre Bornes to live with her mother. She never divorced. At her husband's death, the house was sold to the son of her husband's concubine, Rolande, who said that the house was hers. The applicant does not have the deed of sale. She is married in community of goods. She wants assistance to know how to recover her rights on the property and house.

In a second case, she

#### Reference 192 - 0.01% Coverage

##### MARIE-LINE ROSEMAY born LEGRAND

This file deals with the properties of the heirs of late Bergicourt Salomon at Quatre-Cocos, wherein the applicant avers that she is co-owner and /or co-heirs of undivided rights in apportion of land of 2 Arpents situated in the District of Flacq, more precisely at a place called Quatre-Cocos. The land originally belonged to Bergicourt Salomon.

Marie-Line Rosemay Munogee, born Legrand, relates that his family possessed a plot of land of about 4/7 of 2 Arpents, that is, approximately 1 Arpent 15 perches situated at Quatre-Cocos, Flacq belonging to the heirs of late Bergicourt Salomon (husband of late Marie Juliana Catherine). During her life-time, Juliana Catherine has always said to her grandchildren that her late husband Bergicourt Salomon had left a property in Quatre-Cocos. Nobody trusted her as she was old. One of her grandchildren did some research at the Registrar General's Office. She discovered that, indeed, her grandfather, Bergicourt Salomon had a property



but that one Joseph Wilfrid Salomon and Eda Lionnet (wife of Robert Marie) had drawn a false affidavit of succession relating that they are the only heirs to apprehend the estate and succession of late Bergicourt Salomon.

All documents and evidences have

#### Reference 193 - 0.01% Coverage

the estate and succession of  
properties of  
late Bergicourt Salomon, have sworn

#### Reference 194 - 0.01% Coverage

0059/VF/ RENEL LEONCE SERGE

The applicant, Serge Léonce Renel, writes that following the "testament olographe" made by his father, he has inherited a plot of land at Petit Bel Air. The plot of land is known as "Terrain Elizabeth Rambuche", which was the name of his grandmother. According to a survey made by Land surveyor Dumazel in 1986, the latter found out that the plot of land is situated at the corner of Chemin Ruisseaux-des-Délices. He has asked for a building permit for the construction of a building on his property. The Grand Port/Savanne District Council refused the permit because the property was outside permitted developed area. Grand Port/Savanne District Council advised him to appeal to the Secretary of the Town and Country Planning Board against the decision of the Council. He requested Land surveyor Dumazel to survey the land and insert the landmarks. He made a request to CWA, CEB for permits

#### Reference 195 - 0.01% Coverage

the land between his children.

On 17th October 2008, a letter was sent to the Minister of Housing and Lands to plead his case. The Town and Country Planning Board maintained the decision of the Grand Port/Savanne District Council. Land surveyor, M. Beegun, also made a survey of his property to extract the portion belonging to his cousin. He requests the assistance of

#### Reference 196 - 0.01% Coverage

L/0062/VF/ LAROSE HYACINTHE

Hyacinthe Larose avers in a first claim that he is heir of Alfred Larose who owned a plot of land of Brigot Estate, Montagne des Trois Mamelles. The extent of the property is about 1 acre. The land is bare. Applicant would like to obtain a copy of the deed and other related documents.

In a second claim, the

#### Reference 197 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

December, Pyndiah put up the construction poles once again and assembled the iron sheets of 6 and 11 feet approximately. Marie Elise Soopaul accuses Pyndiahs of having “vandalized” her property: they have broken their window panes and kitchen utensils; removed all their taps and have stolen a gas bottle and a wooden plank.

She made a request to

#### Reference 198 - 0.01% Coverage

in spite of the deed.

The Madhoo has been summoned to leave the said property following a letter sent to her by one Antoine Duquesne.

However, the situation changed completely

#### Reference 199 - 0.01% Coverage

the consent of her mother.

She does not have any document of the property. Her mother has always The

The applicant does not have

#### Reference 200 - 0.01% Coverage

of her grandfather and grandmother.

No land data is given to enable the Commission to do searches and put up a property report. What is given is only hearsay information.

\*\*\*\*\* CASE NAME: GUKHOOL TJC/ L

#### Reference 201 - 0.01% Coverage

L/0079/VF/GUKHOOL JACQUELINE

The applicant, Jacqueline Gukhool, writes that her father Raghobeer Gukhool was the owner of property situated at Duo Cité Kennedy, Quatre-Bornes. It appears that he sold the land to his son and applicant's brother, Benjamin Gukhool. The latter is no more. She has been told that she has neither shared right nor any pretension to the said property. The sale had been done in favour of her brother at date 22nd June 1984, as evidenced by TV 1322 No. 110. As heir of her father, she says that she has not been aware of the sale.

With reference to Marc Benjamin

#### Reference 202 - 0.01% Coverage

PATRICK RICHARD TJC/L/0167

The applicant, Simon Claude Defoix, declares he recalls that in the 1940s, when he was still young, his cousin, Mark Defoix, told him that there was a land for sale. The latter applied to Notary Dassyne to do the

necessary for him to get the land. The applicant says that he has no document, except the extract of a birth certificate in the name of Simon Claude Defoix, son of Joseph Defoix, concerning the said property. He wants the Commission to investigate the land.

Searches carried out by the

#### Reference 203 - 0.01% Coverage

of "Mazelle Fillette".

She was

married to one Oscar L'Oiseau. The said marriage was done under the system of separation of goods and property.

Before her death, in 1941

#### Reference 204 - 0.01% Coverage

is described as "Crown forest".

According to a will and testament, Jules Masson, son of Abraham Masson bequeathed the "usufruit" to Jules Marguerite. The "usufruit" became extinct following his death. His heirs cannot have any claim to the properties of Jules Masson or Abraham Masson.

According to her authentic will and testament dated 26th April 1941, Marie Eudoxie Masson, widow of Oscar L'Oiseau and daughter of Abraham Masson, bequeathed all her properties

to Jules

Marguerite. According to

#### Reference 205 - 0.01% Coverage

all her properties

to Jules

Marguerite. According to Notary Louis Marguerite Lazare, the share of Widow Oscar L'Oiseau in the property amounts to 1/9. The question remains obscure as to the share of Abraham Masson in the land of 788 acres.

There is no indication as

#### Reference 206 - 0.01% Coverage

23 years old. On her

grandmother's advice, her mother took "une hypothèque" (mortgage) of Rs. 1,200 on the land and the small corrugated-iron house which her father had built on the land and in which the whole family was living. After some time, her mother managed to improve the little abode, turning it into a little concrete house. Meanwhile, applicant got married (16th September 1959) and was staying at Beau- Bassin. Unfortunately, Yvonne Heerah's mother was unable to pay back the sum borrowed. The concrete house and the land were sold by levy. The applicant's husband and sister tried to stop the "Sale by levy" but the property had already been bought by the Narain family.

Yvonne Heerah requests the Commission

#### Reference 207 - 0.01% Coverage

of E. Audibert and Franchette.

As per Volume 5102 No. 78, the property was seized on 27th April 1970 and adjudged to E. Audibert.

Three months later, the house

#### Reference 208 - 0.01% Coverage

was guaranteed by the mortgage.

It appears that applicant, her husband as well as her sister were fully aware of the seizure and the "Sale by levy" as they tried to stop the sale. As the amount due has not been paid, the property

was sold before the Master's

#### Reference 209 - 0.01% Coverage

Ville-èsOffrans since three years.

One of his neighbours has told him that the NHDC Company wanted to give ½ of the land as negotiation. Unfortunately nothing has been done [as such]. NHDC have now been erected. Applicant has no deed nor any other Document concerning the said property.

As for the second claim, Claudio Pierre writes that his father, Louis Pierre, residing on, and proprietor of, the said premise at B5 Cité CHA, Tamarin is suffering from the encroachment of his neighbours namely one André Henry. The claim by applicant's father is situated at the rear of his residence at Pêcheur Avenue, Cité CHA Tamarin, No. B5. He writes that about ½ of their property has been encroached with the land of André Henry or others.

In both cases, the applicant

#### Reference 210 - 0.01% Coverage

price of Rs. 1,000.

Furthermore, a copy of the "Case hypothécaire" "Répertoire" 397 No. 638 indicates that Nicolas Rioux sold undivided rights in that property to Joséphine Brune.

It is further noted that

#### Reference 211 - 0.01% Coverage

Register A 685 No. 4165.

An analysis of "Répertoire" 22/351 in the name of Elizabeth Elisa reveals that the land purchased has not been disposed of, as well as another property of an extent of 7 Arpents.

On the basis of the

#### Reference 212 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

As Louis Théodore Perticot died without any child, his property goes to his brother, Louis de Perticot, father of Denise Perticot.

At present, the land is

#### Reference 213 - 0.01% Coverage

Estate, belonging to Harel family.

Case 2 Désiré Jean Pierre Kervin Léonidas, the applicant, writes that he has a right on a portion of land at Royal Road, Pointe-aux-Piments. He has no deed in his possession. His mother, Miss Chavry (married to L. Médard) was born on the said property. He knew where the land was situated. The heirs are not willing to share the land legally and to give applicant his share. The applicant writes that he does not know the exact extent of the land. He received information from his cousin, Luc

Chavry that he has found

#### Reference 214 - 0.01% Coverage

Perticot in that title deed.

Moreover, Arthur Comte de St Belin sold the property of 78 Arpents to one Prospère Caiez D'Epinay as evidenced by Notarial deed drawn up by Me Yves Isidore Jollivet on 22nd December 1823 transcribed in Volume TV 20 No. 97.

Furthermore, in virtue of title

#### Reference 215 - 0.01% Coverage

0106/VF/ THELVA JUDEX SYLVIO

The applicant, Judex Sylvio Thelva, writes that his grandfather was the sole owner of a portion of land on an extent of approximately 112 toises at Rue Villeneuve, now Rue Maurice, and Mahébourg. In 1991, he came to be informed that one Idriss Aumerally has prescribed the said property. At this stage, I. Aumerally and his children are all deceased. The said prescription has not been done in conformity with the law. Applicant has access easily to the premises. Nobody is occupying the land on the side of I. Goomany.

Patricia Thelva, for her part

#### Reference 216 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

During the site visit carried out on 11th March 2010, in the company of Rhodes Carver, the relevant site was identified and after consultation of the title deed and the plan of the subject property, the Commission reached the conclusion that the site previously belonging to Elias Carver was sold out and is presently built up. Therefore, the plot indicated by Rhodes Carver does not belong to heirs of the late Elias Carver.

\*\*\*\*\* CASE NAME: ALIPHON TJC/L

#### Reference 217 - 0.01% Coverage

to get back the land.

Even if this were a Court case, the Commission wanted to understand what has happened. Irène Ramsamy was called upon to submit some documents. According to notes dated 29th July 2009, the applicant had agreed to supply to the Commission copies of proceedings of Court case and judgment. She has not done so up to now. From information gathered, it appears that applicant has been ordered by the Court to quit, leave and vacate the property.

\*\*\*\*\* Truth and Justice Commission 219

#### Reference 218 - 0.01% Coverage

oral tradition as "terrain Beeharry."

Case 1 On 26th Nov 1879, l'Indien Beeharry bought a plot of land of an approximate extent of 2/3 Arpents at "Quartier de la Savanne". This plot of land formed part of a larger portion of land. When applicant's grandfather died, he left his property to 2 heirs: applicant's father and applicant's uncle. Applicant's father moved so much on account of his work that he could not look after the land. At present, sugarcane and vegetables are planted on this land by people who are occupying the land illegally. Now, there are 15 heirs for this land.

Truth and Justice Commission 221

#### Reference 219 - 0.01% Coverage

having belonged to Beeharry 234431.

It is also stated in the report "que le terrain de la famille Beeharry a été bel et bien prescrit par Mons. Alphonse Lagesse et que les droits des héritiers Beeharry sont périmés vu que le terrain a été prescrit par Mons. A. Lagesse ». It is very unfortunate that small owners with an aggregate extent of 34 Arpents 01p have lost their lands due to the fact that "Constantine Limitée" have fenced the whole perimeter, closed the 3.90m wide road and landlocked the properties of the small owners.

This is indeed a case

#### Reference 220 - 0.01% Coverage

L/0116/CATHAN PADAYACHY MAREEAYE

Mareeaye Cathan Padayachy, the applicant, relates one of the saddest aventure that had occurred in her life with the loss of her property and that of the whole family through lack of experience In doing business, and who, most unfortunately fell into the hands of a money lender. She relates that the land belongs to the grandfather of the grandmother of her father. They bought the land for her grandfather (Goinsamy Cathan Padayachy) who had 3 children (two daughters and one son).When applicant's grandfather died, the two daughters gave the land to their brother (applicant's father, Cathan Mootoo Katha Padayachy). She was the only child of her parents. When her mother died, Yanum Valaydon, she was looked after, and she took care of her grandmother until her father remarried her mother's sister.

The applicant worked as a

#### Reference 221 - 0.01% Coverage

insufficient to repay her debt.

All her property was seized and sold by levy before the Master's Court. She lost everything. Truth and Justice Commission 223

VOLUME 2: LAND REFORM – LEGAL

#### Reference 222 - 0.01% Coverage

above donation was not legal.

The coming into force of Ordinance 21 of 1853, which repealed Ordinance No. 57 of 1829, meant that ex-slaves could now acquire property, receive donation, have a right of inheritance in the succession of their natural parents.

The Commission heard the case

#### Reference 223 - 0.01% Coverage

situation prevailing at that time.

Should the applicant still believe that he has a claim in the properties of his white ancestors, he may enter a case against the other heirs before the Supreme Court.

This would be a very

#### Reference 224 - 0.01% Coverage

GEORGES FRANCE TJC/L/0147

Rosemonde Camangue claims to be an heir of René Jacques and submitted several documents to sustain her averment. In 1827, René Jacques, "homme de couleur", she avers, was the owner of 120 Arpents in the "quartier de la Savanne". Out of this property, a plot of land of an extent of 20 Arpents was leased out to Gros Bois Sugar Estate for a period of 3 years as from 22nd February 1867. The lease was made between Jacques, the children and the estate. In spite the fact that Gros Bois Estate did not pay completely the lease they continued to occupy the land after the agreed period of 3 years. The Estate and Notaries declared that the heirs have sold the land to one Chuttoo, to one Churendoss and other people

#### Reference 225 - 0.01% Coverage

so the "sales are fraudulent".

There is a will made by René Jacques in 1848 wherein it is mentioned that he shared the property among his widow and children. The will is registered on 30th November 1854 but René Jacques had already died on 5th August 1854. In fact, René Jacques died in 1874. It is also mentioned that he could neither read nor write; but he signed on the "contrat d'achat". The applicant is of opinion that the will is a false one. A sharing of the property was done in 1875 among the children of René Jacques. In 1876, it is said that the widow abandons her rights, but this document is registered in 1875 indicating that it is also a fraudulent one.

The applicant's Grandfather, Michel Camangue

#### Reference 226 - 0.01% Coverage

their lands by small lots.

Rosemonde Camangue has been advised to retain the services of a Land Surveyor to make further searches to know whether there is still property belonging to heirs René Jacques.

It appears that after the

#### Reference 227 - 0.01% Coverage

charges have not been erased

In view of the fact that late Ahlaman Suhawon owned several properties in Camp Diable and he had donated various properties to charitable institutions, it is difficult to know which properties might still belong to succession Ahlaman Suhawon.

In the light of the above, succession Ahlaman Suhawon has been advised to retain the services of a Land surveyor to make a "Constat report" on land having belonged to late Ahlaman Suhawon in order to know which property has not been sold.

\*\*\*\*\* CASE NAME: SOOKHARRY TJC/ L

#### Reference 228 - 0.01% Coverage

Her husband died in 2003.

She says that she actually lives on the property of the R.P.A de Ravel Company at Tamarin, Route Royale La Mivoie. The actual proprietors have tried to evict all the inhabitants living on the plot of land belonging to the de Ravel Company

The proprietors have asked them

#### Reference 229 - 0.01% Coverage

0136/VF/ RAMSAY ELSIE MARGARETTE

The applicant, Margarette Elsie Paulin, says that she is heir of Mylius Paulin and Georgina Paulin who each owned 2 Arpents out of a larger plot of 4 Arpents in the region of Rivière des Calebasses. She declares that it is possible that Georgina Paulin sold her part. The remaining 2 Arpents (Mylius Paulin's part) is, according to applicant, still the family's property. Applicant does not have any document but still remembers that her grandparents lived and stayed on the land before. At present, the land is unoccupied and some people are saying that they have prescribed the land and that it belongs to them. Applicant does not understand how these persons have been claiming the ownership of the land.

She wants assistance with research

#### Reference 230 - 0.01% Coverage

of TV 434 No. 189.

This being so, the heirs of Louis Mylius Paulin do not hold any property at Calebasses.



Moreover, as regards the land

#### Reference 231 - 0.01% Coverage

m2 without a housing permit.

In 1991, the case was brought to the District Court of Curepipe and later to the Supreme Court. Mariaye Matchiapien hired the services of Attorney K. Gungabissoon and the land was surveyed by Land surveyor Sureshing Bheehuspoteea. They made use of CEB & CWA bills and used one Claude Sardanam as a witness to claim the property of the land.

The Chedumbrum maintained that in

#### Reference 232 - 0.01% Coverage

Varma withdrew from the case.

The Chedumbrum are from a modest background and have already spent Rs. 150,000 to regain back their land. They have 7 children who do not have any land property. One of their children is mentally retarded and they have to look after him. Both husband and wife are retired and they fear that due to lack of funds they would not be able to pay the new Attorney A. P. Mungroo whom they have hired as the case has been postponed for next year.

They request the Commission to

#### Reference 233 - 0.01% Coverage

by Foisy through a "concession".

The land, though unoccupied and covered with forests, remained the property of the Lemasson family. People have been occupying illegally the land for some seven years before the applicant decides to start procedures to recover the land. An affidavit was sworn in.

A request was made to

#### Reference 234 - 0.01% Coverage

The facts state the following:

- The 27 Arpents 52 was the property of Jacques Nicolas Foisy who obtained same through a concession.
- Foisy sold half undivided rights

#### Reference 235 - 0.01% Coverage

one Nozaic as immediate neighbours.

- That the said Marcelin Charlot presumably gave to his lineage as heritage his property, his lands, representing a portion of 800 Arpents.

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#### Reference 236 - 0.01% Coverage

family tree from Marcelin Charlot;

- assisting to trace back the complete surface area of the land and property of Marcelin Charlot and the related original Documents; and, by
- assisting them with the help

#### Reference 237 - 0.01% Coverage

illness. He then passed away.

When applicant afterwards visited the land, he was forbidden to do so. Bulaty informed applicant's family that the land was his property. The land was prescribed in September 1990 and sold to the children (Documents submitted). A protest was lodged by late Mewachand Moolchand to the Land Fraud Squad in 2002.

Mr. Moolchand averred that Saveetree

#### Reference 238 - 0.01% Coverage

necessarily of the same extent.

- The Commission is of the opinion that Purvuram Prannath Moolchand should relate the property of his forefather to the land prescribed and to seek to redress through a Court action if he can prove that the land prescribed and the land owned are one and the same land.

the 12 portions mentioned in

#### Reference 239 - 0.01% Coverage

the part of the Commission.

Case 10 • In brief, the Moolchand are implying that by the action of Basdeo Seetohul, they are being dispossessed of their property.

- It should be observed that

#### Reference 240 - 0.01% Coverage

applicant. The matter was dismissed.

In the opinion of the Commission, the claim of land by applicant (who is only the lessee) and the land claimed by Ramdany are two different portions of land. It is for the heirs and successors of Sookasseeah Seesum, who are the landlords, to identify their property and initiate whatever action is called for to preserve their rights and those of the lessor.

Further searches have revealed that

#### Reference 241 - 0.01% Coverage

in Volume 35 No. 294.

- The property has devolved now to the heirs and successors.
- Requests assistance of the Commission to get back the land.

Hearing 18 August 2010

Emmanuel

#### Reference 242 - 0.01% Coverage

drawing up of the affidavit.

Serge Pr  audet has been advised accordingly and also to seek the services of a Land Surveyor to locate the land at issue should the heirs Ernest Pr  audet decide to seek physical possession of the property through a Court action.

Case 2 and 3 The

#### Reference 243 - 0.01% Coverage

525 Arpents at Domaine Argy.

The Pr  audet family requests the Commission to help them carry out land surveying and to reclaim their properties.

The Commission has examined the case and found that case No. 2 and case No. 3 are too vague to enable a proper examination. Hereto, the services of a Land Surveyor was advised in order to locate the properties and retrieve information as to their ownership (title deeds) that would enable the heirs to take a decision on any further move.

\*\*\*\*\* Since 1986, he started

The

#### Reference 244 - 0.01% Coverage

by TV 4977 No. 29.

There is no property registered under the name of the grandfather.

\*\*\*\*\*

Truth and Justice Commission 251

#### Reference 245 - 0.01% Coverage

more the owner of Constance.

The preliminary searches undertaken by the Commission establishes the fact that there was no substantial property left to be claimed by the heirs of the said Louis Edouard Perrin (fils). Most of the properties purchased by Louis Edouard Perrin (P  re), as well as by Louis Edouard Perrin (Fils), at some point had been sold. There may be small "solde" of land here and there but this can be confirmed only by further searches coupled with a land survey. However, the major plot of land that the Surveyor Foiret refers to in his letter does appear in the "Case hypoth  caire" of Louis Edouard Perrin. The letter of Robert Foiret on the 8th July 1985 mentions the ownership of the said portion of 78 Arpents purchased and transcribed in TV 12 Volume 183 as being owned by Louis Edouard Perrin.

In-depth searches also reveal

Reference 246 - 0.01% Coverage

had a quite long list  
of charges that had been lodged against his various properties. CASE NAME: GOPAUL  
TJC/ L//0168/GOPAUL POOSPAWTEE

Reference 247 - 0.01% Coverage

9) has not been sold.  
This property forms part of the "communauté de biens" and therefore cannot be disposed of by Mr. M.  
Gopaul without the consent of his legitimate wife.  
As regards the land obtained

Reference 248 - 0.01% Coverage

of Goteea 154635 and others.  
In fact, there is no record at the Office of the Curator of Vacant Estates concerning how the Curator has  
been vested with the property, nor is there any document to shed light as to whether the sale price has  
been paid.

\*\*\*\*\* CASE NAME: TRIME TJC/L

Reference 249 - 0.01% Coverage

she never responded to it.  
Now that the applicants intend to sell this portion of land, they fear that the daughter of Ramudhin - who  
has not accepted that the land is not the heritage of the family - may bring a case in Court against them  
claiming the property of the land.  
The applicants want the Commission to make the Ramudhin family understand that they have been misled  
and that this portion of land is the property of the heirs of Marie Trime. They submitted the necessary  
documents to prove their ownership to the land and they want the Commission to help them to prove that  
the land belongs to them. They are ready to go to Court if circumstances make this necessary.  
She, later, did produce copies

Reference 250 - 0.01% Coverage

has complied with the judgement.  
If the applicant wants to get the share of her husband in the land, she has to petition to the Master and  
Registrar of the Supreme Court for the division in kind of the property among all heirs entitled to a share.  
The Commission is of opinion that she is still a co-heir and has not been dispossessed of the shares and  
rights of her husband.  
She has been called by

#### Reference 251 - 0.01% Coverage

any reason given to him.

The applicant cannot explain why and how the bank seized and sold his property when he avers that the amount has been paid. He does not contest the sale today and he is asking the Commission to help him to get a plot of State land.

Unfortunately, the Commission cannot be of any help to him but notes that the applicant has been dispossessed of his property as a result of debts.

\*\*\*\*\* CASE NAME: MANGALKHAN TJC/ L

#### Reference 252 - 0.01% Coverage

September 2009 that his great

grandfather had several properties. The sister of his

grandmother took possession of all the properties at the death of his great grandfather. The aunt of the applicant, in turn, took possession of all the family properties at the death of her mother. She sold the rest of the land of the applicant's ancestors, thus depriving the applicant's mother of her share of the property. Now, the applicant wants to have his share.

A family tree has been

#### Reference 253 - 0.01% Coverage

father's name is Goordeen Boodoo.

It must be noted that Dharmowtee Boodoo had not received any share in the property of his grandfather to whom she was not civilly married.

No affidavit has ever been

#### Reference 254 - 0.01% Coverage

submitted. Searches carried out at

the Conservator of Mortgages office have revealed that it appears grandmother (Leelawtee Dabee) took all the properties.

In the absence of a

#### Reference 255 - 0.01% Coverage

their share in the land.

The inquiry led by the Commission reveals that according to "Répertoire" 247/88, Gangaparsad Ramburuth born on 29th June 1894, acquired various portions of land in the Districts of Rivière-duRempart and Flacq, one of them being a plot of land of extent of 1 Arpent 20 perches at Laventure, Flacq acquired under TV 509 No. 334 dated 25th April 1947. The undivided rights in these plots of land were devolved to succession of B. Ramburuth, as confirmed by the entry in "Répertoire" 437/69, dated 4th June 1959 and as evidenced by the deed transcribed in TV 785 No.120. The plot of land at Laventure was subject to a seizure on 3rd

September 1968 as per Seizure document 100 No. 29 in favour of R. Baichoo. Subsequently, the plot of land at Laventure becomes the property of R. Baichoo as per TV 1151 No. 138 dated 9th October 1968.

The Commission notes that the

#### Reference 256 - 0.01% Coverage

seized and sold by levy.

Fortunately, his son was able to purchase the property at the Master's court.

The Neerunjun family has already lodged a complaint with the labour office concerning the nonpayment of his wages/salaries and the case had been lodged in Court. This illustrates the difficulties that most small workers encounter and how they may easily lose everything: land, houses, properties.

\*\*\*\*\* Truth and Justice Commission 262

#### Reference 257 - 0.01% Coverage

of land at

Brun by

Roche Bois of an extent of  $\frac{1}{4}$  divided in  $1\frac{1}{4}$  Arpent (that is,  $\frac{5}{16}$  Arpent). There has not been any "mutation" and as such, the land is still the property of heirs Arthur Augustin. However, the plan submitted by the applicant is not relevant to that land.

Case3 There is no plot

#### Reference 258 - 0.01% Coverage

Arpents and not 22 Arpents.

A report by Land surveyor R.A. Jeewa, in the context of a case at the Supreme Court (SCR No. 59941) mentions that the limits of the property have been modified. For years, she has been trying to regain her lost property and has spent quite a considerable amount of funds towards that end, but in vain.

Solicitor Ramano, who has been

#### Reference 259 - 0.01% Coverage

and that of her husband.

On the 18th September 1958, Late Joseph Russie, apparently one of the heirs of Ezilda L'Indifférent, caused an affidavit of prescription to be sworn alleging that he has been occupying with all the requirements of prescription, a portion of land of the extent of 1 Arpent (being one of the 2 plots here referred. The affidavit of prescription is transcribed in Volume 762 No. 82. One of the heirs of Ezilda L'Indifférent, namely Elibert Russie, entered a case against the heirs of late Joseph Russie, before the Intermediate Court (CN 149/73) and obtained judgment against them namely: the affidavit is declared null and void and the land belongs to the legal community of goods and property which has existed between late Marie Ezilda L'Indifférent and late Clément Thomas and consequently it now belongs to the succession. There is in file a dépôt being an "acte sous signatures privées" registered in TV 2652 No. 8, dated 21st November 1975 purporting to be a sale of undivided rights amounting to  $\frac{3}{5}$  of the above properties made by the 5 heirs of E. L'Indifférent to Lutchmaya Ramano. It seems that only a part payment of Rs. 3,300 out of Rs. 15,000 was effected by

Lutchmaya Ramano and that the "solde" was to be paid to Samy Sunassee on the day of the signature of an authentic deed.

In the meantime, Samy Sunassee

#### Reference 260 - 0.01% Coverage

0188 FRANCHIN MARGARET (born PAUL)

The applicant, Margaret Franchin says that her grandfather, Wilfred Geffrey, owned a plot of land of 1 Arpent at Saint-Martin, Baie du Cap. Wilfrid Geffrey borrowed money from one Cader Hossenbaccus and therefore sold the said 1 Arpent in a 'vente à réméré'. The applicant says that Cader Hossenbaccus had by then sold the land to one Makia Luchmun and Wilfrid Geffrey did not do anything to get his land back. The land has been sold to 5 different persons since then. The family wants to know whether they still have rights to the property and eventually get it back.

Searches carried out at the

#### Reference 261 - 0.01% Coverage

Hifzul Iman Society and the

claimant regarding a plot of land of extent of 12 ½ perches (1/8 Arpent) at Petit Verger, Moka, which plot of land is Waqf property.

In view of the above

#### Reference 262 - 0.01% Coverage

is not sure about this.

The applicant's grandmother, having married her grandfather under legal community of goods and property in 1935, still had a right of usufruct as the surviving spouse. However, by virtue of a

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#### Reference 263 - 0.01% Coverage

by a one-storey house.

Following searches, he found out that the property had been the subject-matter of a prescription in July 1991 and described according to a Survey report drawn up Robert Foiret, Land Surveyor, on 25th July 1990.

In 2002, the applicant filed

#### Reference 264 - 0.01% Coverage

by one of her brothers.

The Commission has advised her to petition the Masters' Court, Supreme Court, for the division in kind of the properties among the heirs.

\*\*\*\*\* CASE NAME: DEVANNY TJC/L

#### Reference 265 - 0.01% Coverage

the rights of the applicant.

From further searches made in the "Case hypothécaire", the portion of land remains as property for the "ayant droits" of succession Devanny. From the said report, the Land surveyor concludes

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#### Reference 266 - 0.01% Coverage

LATIOU TJC/ L/0209/LATIOU

Someone has deposited some documents at the Commission, without any request being made, nor any Civil Status Acts submitted or any location of property stated.

In the absence of Documents

#### Reference 267 - 0.01% Coverage

the land at Riche Mare.

From searches carried out at Conservator of Mortgage Office, the Commission found that the said Khisto or Khistoo Samchan or Sumchund, son of Khisto (156679), husband of Doorputh Ram had sold all his properties at Rivière Noire, namely, a "solde de 126 Arpents". Furthermore, he sold, on 29th

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#### Reference 268 - 0.01% Coverage

his 8 children.

It follows,

therefore, that the property purchased is now held by the heirs R. Seeruthun represented by the eight children.

It would appear that the land has been squatted upon or prescribed by someone who is denying them access to the property and who has objected to the survey of the land.

The applicant has been advised

#### Reference 269 - 0.01% Coverage

bridge or any other system.

The Commission analysed the whole situation: the land formed part of a plot of 50 perches which were divided into 4 lots in 1991, as per the plan of Sworn Land surveyor Tupsy. The Commission notes that no mention is made of any canal crossing the property in previous deeds, or any reference of that canal constituting a service burdening that property.

At the time of purchase

#### Reference 270 - 0.01% Coverage



and is now in liquidation.

The Commission talked to the Irrigation Authority, the Central Water Authority and Water Rights Administration, but to no avail, as the status of the canal crossing the property is not clearly defined.

The Commission is of opinion that in view of its location, the canal can still be diverted to follow the property of Massillia Property, or the applicant can construct a slab over the canal to get access to the small bit of triangular plot of land. And, as a last resort, Dharamdeo Beefnah has been advised to seek redress from competent authorities in the event that the case were to be administered by Rivérains and Syndics.

\*\*\*\*\* Truth and Justice Commission 287

#### Reference 271 - 0.01% Coverage

since his father became bedridden.

The Commission is of the opinion that the five children should contact their legal adviser to help them get a title deed of the property.

\*\*\*\*\* CASE NAME: LANAPPE/DAVID TJC

#### Reference 272 - 0.01% Coverage

TJC/ L/228/ARLAPIN BERTY

Berty Arlapin, the applicant, claims that the property of his ancestors at Black River (Tamarin Region) has been taken by one Dr. Jhuboo without permission of any owner of this land. In support of his claim, he has submitted the following:

- •
- Affidavit of succession made after

#### Reference 273 - 0.01% Coverage

to Mathurin – presumably Mathurin Jeannot.

Another reference to the cemetery is made in the deed, registered in Reg. C 92 No. 1414, on May 1858, and duly transcribed in Volume 64 No. 105, concerning the chargers, clauses and conditions of the judicial sale of the remaining property, formerly owned by Charles Favre. Article 1 of the conditions of sale is reproduced below:

"Article First: The purchaser or

#### Reference 274 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS CHAPTER FIVE DISPOSSESSION OF PROPERTY Truth and Justice Commission 297

VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS DISPOSSESSION OF PROPERTY INTRODUCTION

From the applications made, documents submitted, and during the hearing of several land cases, it has become apparent that several persons have lost their properties and/or have been dispossessed of their

properties due to the false, inaccurate, doubtful, wrongly-drafted misinterpretation of affidavits of succession and Wills and Testaments.

Some affidavits and Wills and

#### Reference 275 - 0.01% Coverage

female slaves to his service.

Between 30th May 1814 and 18th May 1824, he secured a lot of properties, obtained a "concession", and did a lot of business.

He got married on 31st

#### Reference 276 - 0.01% Coverage

Faoulez did leave five children.

The averment to the effect that Jean Faoulez did not leave any heir and that a niece, one Louise Belle, from Mozambique inherited all of his properties, does not stand.

In fact, Louise Belle, together

#### Reference 277 - 0.01% Coverage

File No TJC/L/O31)

Henri Vignes sold to Léonel Capiron and his wife two plots of land situated at Mozambique Street and Entre-casteaux Street Port Louis. Léonel in his will left all his assets to his wife Anna Beatrice Rebecca Vignes. Anna Rebecca Vignes made a will in favour of the wife of Ange Eloi Capiron (born Vignes). She made a will in September 1953 in favour of Louise Vignes. Louise Vignes sold the land in 1929 according to deed of sale dated 22nd March 1929. The applicant is questioning the date of sale of the land (1929), which according to the date of the will made in favour of Louise Vignes, that is 1953, should normally be her property in 1953.

The applicant requests the Commission

#### Reference 278 - 0.01% Coverage

died on 23rd October 1969.

- According to her last Will and Testament made before Notary public Roger Hermene Louis on 20th October 1969, in the presence of four witnesses, she bequeathed all her properties to Marie Capiron.
- The will was registered on

#### Reference 279 - 0.01% Coverage

400 toises and 94 Toises.

- One Marie Thérèse Isabelle Capiron claimed that she is the very Marie Capiron who received the property.
- One Marie Joséphine Capiron also

#### Reference 280 - 0.01% Coverage

Morne" is occupying the land.

The applicant avers that Sieur Doger de Spéville, the great grand parent of the applicant lived in Black River in a house ("Campement d'habitation") that he constructed on Ile-aux-Bénitiers and died on that property and his tomb is the proof that he owned the land. The said Sieur Doger de Spéville had also a "habitation à Pamplémousses" where his son, Pierre Spéville, lived. Pierre Spéville's mother was a slave at the service and belonging to the family. They all Spéville family "habitation", in Pamplémousses.

lived on the

Pierre Spéville

#### Reference 281 - 0.01% Coverage

at the age of 71.

Raymond Spéville, the applicant, who deponed before the Commission on Wednesday 13th October 2010 claims that Pierre Spéville was also the owner of several plots of land in Savanne and Rivière Noire, as evidenced by the "Case hypothécaire" and that the said land has never been sold as some of the property was leased for the cultivation of coconuts and vegetables.

The great aunt Hermina, who

#### Reference 282 - 0.01% Coverage

was accessible at low tide.

At the death of the said Mylis, who was illiterate, the family seemed to have been dispossessed by the family to whom the land was leased as it was difficult for the Spéville family to visit frequently the property as they were still living in Pamplémousses.

The Commission looked closely into

#### Reference 283 - 0.01% Coverage

in Volume 1702 No. 82.

While deponing before the Commission, Marie Andrea Yolande César, (See Appendix ii) as far as she recollects, said that she has never given a Power of Attorney to Harryparsad Choolun to sell or dispose of the land referred to above, nor has she, in any way whatsoever, authorised him to dispose of the said property, or of any part of it.

The Development Permit obtained from

#### Reference 284 - 0.01% Coverage

the rest of the document;

- The mention of "Le Morne", as the location of the said property, was erased and only further was the name "Côteau Raffin" inserted;
- The document bears two signatures

#### Reference 285 - 0.01% Coverage

everything was working out smoothly.

Six years, that is, on 1st September 1995, the Insurance Company, SICOM LTD., where the loan has been contracted by Deoduth Beegun, sent a letter to Mrs. Gowreeah to inform her that her property will be seized. The deponent avers that she

#### Reference 286 - 0.01% Coverage

on a portion of land.

In September 1995, the deponent was informed by SICOM that due to non-repayment of the loan, the property pledged would be seized;

On the 30th January 1997

#### Reference 287 - 0.01% Coverage

and successors are left out.

been bequeathed with properties are discarded in the affidavit.

- In such cases the parties

#### Reference 288 - 0.01% Coverage

Court pronounces on the subject.

- The Commission has come across Wills and Testaments in which the Notary or the party making the Will has failed to mention the reserved portion of his properties, 'Quotité disponible'. The testator has also failed to mention that he has other children. All the properties have been bequeathed to one person, instead of bequeathing the share which he can dispose of according to law.
- Representation has also been made to the Commission concerning the sale/donation/transfer of all properties by the father/mother to one/two children only, thus depriving the other children of a share in their parents' property.
- In such cases the heirs / successors who have not received any property or who have been discarded deprived of their rights, have to enter cases before the Supreme Court against their own brothers/sisters in order to get their shares either in cash or in kind.
- It has been observed that

#### Reference 289 - 0.01% Coverage

to animosities between among heirs.

- The coming into force of the Code Napoléon (Amendment) Act No 8 of 1980 on the 8TH June 1980 has simplified the succession laws and has brought new hopes. Acknowledged natural children and legitimate children have the same shares and rights. surviving spouse a share in the deceased property.

The surviving spouse has also

#### Reference 290 - 0.01% Coverage

reference for prescription of land.

1. Prescription is one of the means of acquisition of property which arises at the end of a fixed delay. It has been defined as : "L'écoulement d'un certain délai au terme duquel elle transforme en une situation juridique définitive et inattaquable une situation de fait qui s'est prolongée." In the same way, prescription provides as a means to give legal validity to a set of events which have taken place over a definite period of time.

2. Although, as found in numerous cases before the Commission, prescription may lead to unfairness, when an owner is being deprived of his property, the rationale behind the law of prescription is to punish the owner who has failed to exercise any control or entretien over his property for such a long period. This lack of control or supervision does not entail occupying the land, but also to monitor that no third party is in occupation of the land. It is this lack of diligence or "négligence grave" that is sanctioned by our Law.

3. It must be borne

#### Reference 291 - 0.01% Coverage

down above.

#### PROHIBITION OF PRESCRIPTION

12. It is provided by Law that certain land or immoveable property cannot be subject to prescription. The first exception is State Land<sup>6</sup>, formerly known as Crown Land. This principle has been reaffirmed in various cases before the Supreme Court.<sup>7</sup> Please note that originally the Law applicable before 1991

#### Reference 292 - 0.01% Coverage

enactment, State Land is imprescriptible".

7 La Société des Cascadeurs v. The Ministry of Works 1995 SCJ 15: "One cannot acquire by prescription any right over State property."

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#### Reference 293 - 0.01% Coverage

amongst others, sea, air, etc

14. Another prohibition to prescription is laid down in art 2236 CCM<sup>8</sup>. The operative word in this Section is "précarité". This word means that the occupier has been put in possession by virtue of the consent of the real owner. As such, the notion of possession required for prescription is vitiated and cannot be the basis of a prescription. The occupier is only holding the property on behalf of the actual owner. The most current examples are land leased or given by agreement. It has been held by the Court that "la précarité n'est pas un simple vice de possession, c'est quelque chose de bien plus grave, c'est l'absence de possession: la possession précaire n'est qu'une simple détention de la chose, c'est-à-dire une situation juridique parfaitement distincte de la possession."<sup>9</sup> Further, by virtue of art 2237 CCM<sup>10</sup>, the subsequent heirs of a «détenteur précaire» cannot prescribe as their occupation is considered defective from the very start. The

same principle applies even after the end of the lease period. It was considered that "Les fermiers et locataires ne peuvent prescrire la chose donnée à bail ou à loyer, soit pendant la durée du bail, soit après son expiration. Il en est ainsi même si le bailleur n'est pas propriétaire de la chose : en ce cas, la possession du fermier ou du locataire profite au bailleur. Si le défunt n'était que détenteur, son héritier aura la même qualité. Ainsi les héritiers de celui qui a possédé pour autrui ne peuvent prescrire, si la possession primitive était viciée, l'héritier succède aux vices de la possession de leur auteur. »<sup>11</sup>

15. It must be noted

#### Reference 294 - 0.01% Coverage

to swear affidavits of prescription.

Affidavit of prescription, which is defined as an affidavit witnessing the acquisition by prescription of immovable property, has for effect to give legal validity to occupation with all the prerequisites

28 Khadaroo v. Dorson 1980

#### Reference 295 - 0.01% Coverage

swear an affidavit: •

- the affidavit

the affidavit shall contain a mention of the situation, description and exact boundaries of the immovable property forming the subject-matter of the affidavit, and the open market value of the property at the time of completion of the statutory period for prescription;

shall contain the date on which the occupation started and shall be accompanied by a site plan showing the precise location of the property; and

the affidavit shall contain, in respect of the party alleged to have acquired the immovable property by prescription –

- his names in small letters

#### Reference 296 - 0.01% Coverage

registered affidavit of prescription; and

(b) a memorandum of survey by a Surveyor setting out the situation, description and exact boundaries of the immovable property forming the subject matter of the affidavit;

•

The applicant shall cause a

#### Reference 297 - 0.01% Coverage

members of the public.

OBJECTION •

Any person claiming to be the owner or part-owner of, or to have an interest in, the whole or part of the immovable property in respect of which an affidavit of prescription has been sworn, may, within 3 months of

the last publication of • the

#### Reference 298 - 0.01% Coverage

right of use over, an  
immovable property the title to which is derived from acquisition by prescription witnessed by affidavit of  
prescription, shall be valid unless the affidavit has been transcribed, and a reference to the particulars of  
such transcription is endorsed on the deed.

- 

The above refer only to

#### Reference 299 - 0.01% Coverage

occupation started and the open  
market value of the property at the time of completion of the statutory period for prescription;  
be accompanied by a memorandum of survey by a surveyor setting out the situation, description and exact  
boundaries of the immovable property forming the subject matter of the application and the adjoining  
properties; and

c)

in respect of the

#### Reference 300 - 0.01% Coverage

the adjoining properties; and

c)

in respect of the party alleged to have acquired the immovable property by prescription

i. his names in small

#### Reference 301 - 0.01% Coverage

to have an interest in,

the whole or part of the immovable property in respect of which an  
application for a prescription permit

#### Reference 302 - 0.01% Coverage

payment of the transcription fees.

23. No deed, whether authentic or under private signatures, witnessing the sale or transfer of, or the  
constitution of any privilege, mortgage or servitude or right of use over, an immovable property the title to  
which is derived from acquisition by prescription witnessed  
by a prescription permit, shall

#### Reference 303 - 0.01% Coverage

a fine not exceeding [...] rupees.

25. The transcription of a prescription permit shall not confer on any party any rights on any immovable property which but for this Act such party would not have possessed.

THE COMMISSION FINDS

The Commission

#### Reference 304 - 0.01% Coverage

have possessed.

THE COMMISSION FINDS

The Commission is of opinion that Notarial deeds witnessing the acquisition by prescription of landed property should bear

the same conditions as Prescription

#### Reference 305 - 0.01% Coverage

Act, more fully described above..

As per the Prescription of Landed Property Act 41 of 1969 – November 1969 and amended by RL 4/253 – 24 April 1982, someone who is acquiring land by prescription needs not to swear an affidavit of prescription, but has to comply with the other conditions. The procedure remains the same.

The amendments in the Affidavit of Prescription Act, as proposed by the Truth and Justice Commission, would thus apply de facto to the Prescription of Landed Property Act. THE COMMISSION RECOMMENDS The Commission recommends that the Prescription of the Landed Property Act be repealed which will thus prevent any confusion as to the procedure of prescription.

laid down in the proposed

#### Reference 306 - 0.01% Coverage

documents such as concession plans.

Interest in a property can actually be created which runs contrary to each other. Transcription

#### Reference 307 - 0.01% Coverage

with the Royal take-over.

However, if by 1770 the conceded (private) land stood at some 25,325 hectares (60,000 arpents) against 85,000 hectares in 1765, in 1790, there were already some 156,136 hectares (369,918 arpents) of private holding against 26,490 hectares (62,761 arpents) of mostly bare lands as Crown property.

The situation regarding land tenure

#### Reference 308 - 0.01% Coverage



the economic and social ladder.

Very few people were aware of the fact that the mandate of the Commission was to inquire into how people had been dispossessed of their properties and by what means.

Following findings of the Commission

#### Reference 309 - 0.01% Coverage

claim back their lands. – (R3);

- “I know the Tai family of Flacq who had vast portion or around 100 arpents of land in Bel Etang. The elders didn’t inform the upcoming generation about this land and it became unoccupied. The sugar estate had land on each side of the Tai property. First, they built a road across the unoccupied land. Little by little they cleared further land until they became the owner as no one is claiming the land. The Aza family also faced the same. When they claimed their land, the sugar estate in return claimed for much compensation for the money they invested in the land”. – (R3)

Truth and Justice Commission 342

#### Reference 310 - 0.01% Coverage

claim to have title deeds.

But, “Creoles have lost their family tree. They have lost their names and have been given other ridiculous names. They have no Chamber of commerce, no economic centre”. - (R5) How do they react towards such loss of identity and properties? •

“There are still many families

#### Reference 311 - 0.01% Coverage

to protect one and all.

In fact, people can easily be dispossessed of their properties, more so by a system which opens the Truth and Justice Commission 344

VOLUME 2: LAND REFORM – LEGAL

#### Reference 312 - 0.01% Coverage

land and sold it to

third parties. Moreover, these people have easy access to official documents, tamper these documents and use them to fraudulently deprive the real owners of their properties. The Jean Albert Jerome - (File TJC/L/0070) as well as the Spéville/ Choolun issue is a showcase amongst all analysed by the Commission.

Research work is even more

#### Reference 313 - 0.01% Coverage

TJC/L/0212), among others.

Some of them have, during years, been confronted with the problem of non- access to their ancestors properties due to the fact that these plots of land are found in the areas occupied by sugar estates/ companies. In order to reach out these plots of land, the deponents had to undergo searches, support their claims by a Land surveyor's Report/ Constat Report on the very plots of land which are not accessible. If the Commission has been able to help some applicants, Tancred Danielle & Others – FUEL ( File TJC/L/0003); Devanny Oomadutsing – Bel Ombre (File TJC/L/M/208); Patrick Webb/Chang Kye – Espitalier- Noel Group (File TJC/L/0046); Bonnefin/Clency Harmon & Others – Medine (TJC/L/0015); Mayeur/ Cazalens/Kisnorbo – Deep River Beau Champs (File TJC/L/0004);  
to open the long awaited

#### Reference 314 - 0.01% Coverage

awaited dialogue with the sugar companies; others had to have recourse to the Court (Louis Chérubin (Karl) Lamarque – LE Petit Morne Limited (File TJC/L/0048) – as have done the other 24 claimants who came before the Commission - to be able to make themselves heard and try to set their foot on their claimed property. Fortunately, in the cases mentioned, most of the claimants had already undertaken some searches and had a good set of documents which helped enormously the Commission.  
When called to give their

#### Reference 315 - 0.01% Coverage

for greener pastures in Mauritius.

- Moreover, persons who have prescribed plots of land and who know that they could be challenged in Court have secured the help of some militia in order to prevent real owners to have access to their properties, (Christian Grenade – File TJC/L/0044) and Goodur Abdool Reshad - File TJC/L/M/0210). In the case of Grenade, the Commission views with concern that even a request made to the Commissioner of Police to give police protection to the heirs to clean up their land at Le Bouchon has remained unattended.

Truth and Justice Commission 346

#### Reference 316 - 0.01% Coverage

left by a deceased person.

This state of affairs gives rise to doubtful and inaccurate affidavits being drawn up. At times the legal heirs and successors are left out. with properties are discarded in the affidavit.  
In such cases the parties

#### Reference 317 - 0.01% Coverage

Court pronounces on the subject.

The Commission has come across Wills and Testaments in which the Notary or the party making the Will has failed to mention the reserved portion of his properties, 'Quotité disponible'. The testator has also failed to mention that he has other children. All the properties have been bequeathed to one person, instead of bequeathing the share which he can dispose of according to law.

Representation has also been made to the Commission concerning the sale/donation/transfer of all properties by the father/mother to one/two children only, thus depriving the other children of a share in their parents' property. In such cases the heirs / successors who have not received any property or who have been discarded deprived of their rights, have to enter cases before the Supreme Court against their own brothers/sisters in order to get their shares either in cash or in kind. It has been observed that some Notaries would not draw up such deeds. However, it is a matter of regret that others Notaries still draw up such deeds which eventually leads to animosities between among heirs. The coming into force of the Code Napoléon (Amendment) Act No. 8 of 1980 on the 8th June 1980 has simplified the succession laws and has brought new hopes. Acknowledged natural children and legitimate children have the same shares and rights.

It has also given to

#### Reference 318 - 0.01% Coverage

surviving spouse a share in the deceased property. The surviving spouse has also been attributed a right of usufruct on all the movables effects and the house which was used as the main residence of the family.

THE COMMISSION RECOMMENDS

It is

#### Reference 319 - 0.01% Coverage

Holding Cooperatives.

PRESCRIPTION IN RODRIGUES

THE COMMISSION FINDS All the applicants – Private and Government Land Surveyors, Attorneys and Notaries, Chief Planner - invited to give their views before the Truth and Justice Commission readily admitted that the Law has been respected in all circumstances. Yet, it must be observed that the information contained in the Notice for the Transcription of an Affidavit as per the Second Schedule of the Affidavit of Prescription Act are not precise enough to allow the real owner to know whether the subject-site under prescription is his property or forms part of his property, and would thus allow him to lodge the appropriate objection for transcription of the affidavit. For example, in certain Notices, the description given is so vague. In so many Notices, mention is often made "On the first side by a public road", "on the second side by an unknown proprietor", "on the third side, proprietor is unknown", etc. The law is clear as to the "precise description", "the exact location", "the precise description of the land surveyed and the exact extent of the land mentioning the nature of the occupation and value of the land."

occupying a plot of land

#### Reference 320 - 0.01% Coverage

right of use over, an

immovable property the title to which is derived from acquisition by prescription witnessed by affidavit of prescription, shall be valid unless the affidavit has been transcribed, and a reference to the particulars of such transcription is endorsed on the deed.

- The above refer only to

#### Reference 321 - 0.01% Coverage

prescription permit shall: a)

b)

state the date on which the occupation started and the open market value of the property at the time of completion of the statutory period for prescription;

be accompanied by a memorandum of survey by a surveyor setting out the situation, description and exact boundaries of the immovable property forming the subject matter of the application and the adjoining properties; and

c)

in respect of the

#### Reference 322 - 0.01% Coverage

the adjoining properties; and

c)

in respect of the party alleged to have acquired the immovable property by prescription

i. his names in small

#### Reference 323 - 0.01% Coverage

form specified in the Schedule.

12. Any person claiming to be the owner or part owner of, or to have an interest in, the whole or part of the immovable property in respect of which an application for a prescription permit has been made, may, within 6 months of the last publication of the notice required under Section 10 object to the granting of the application by the Committee by serving upon the Chief Executive and upon the applicant a notice setting out the grounds of his objection.

13. In the event of

#### Reference 324 - 0.01% Coverage

payment of the transcription fees.

23. No deed, whether authentic or under private signatures, witnessing the sale or transfer of, or the constitution of any privilege, mortgage or servitude or right of use over, an immovable property the title to which is derived from acquisition by prescription witnessed by a prescription permit, shall be valid unless the prescription permit has been transcribed, and a reference to the particulars of such transcription is endorsed on the deed.

24. Any person who draws

#### Reference 325 - 0.01% Coverage

a fine not exceeding [...] rupees.

25. The transcription of a prescription permit shall not confer on any party any rights on any immovable property which but for this Act such party would not have possessed.

Truth and Justice Commission 356

#### Reference 326 - 0.01% Coverage

##### ADMINISTRATIVE ASPECTS THE COMMISSION FINDS

The Commission is of opinion that Notarial deeds witnessing the acquisition by prescription of landed property should bear

the same conditions as Prescription

#### Reference 327 - 0.01% Coverage

Act, more fully described above..

As per the Prescription of Landed Property Act 41 of 1969 – November 1969 and amended by RL 4/253 – 24 April 1982, someone who is acquiring land by prescription needs not to swear an affidavit of prescription, but has to comply with the other conditions. The procedure remains the same.

The amendments in the Affidavit of Prescription Act, as proposed by the Truth and Justice Commission, would thus apply de facto to the Prescription of Landed Property Act.

##### THE COMMISSION RECOMMENDS

The Commission

#### Reference 328 - 0.01% Coverage

Property Act.

##### THE COMMISSION RECOMMENDS

The Commission recommends that the Prescription of the Landed Property Act be repealed which will thus prevent any confusion as to the procedure of prescription.

laid down in the proposed

#### Reference 329 - 0.01% Coverage

##### LAND RESEARCH AND MONITORING UNIT

The functions of the Land Research and Monitoring Unit would be: 1. To receive legitimate complaints from persons who allege that they, or their family, have lost or have been dispossessed of their property;

for the

technical side of

#### Reference 330 - 0.01% Coverage

the assignment was as follows:

□ To design a software and database to allow for the collection of notarial acts in Mauritius □ To make provision for the addition, update, deletion and view of different data (Notaries, Surveyors, Lawyers, Purchaser, Seller, Property, Transactions ...)

□ To allow for key word

#### Reference 331 - 0.01% Coverage

in order to identify trends

□ To allow for the localization of a plot of land on a map using GPS coordinates □ To allow for view of the different property of a particular person on a map □ To allow for provision for the addition of maps and plans and other documents

Truth and Justice Commission 359

#### Reference 332 - 0.01% Coverage

Commission in any manner whatsoever.

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#### Reference 333 - 0.01% Coverage

##### HISTORY OF DESCENDANTS OF SLAVES

TABLE OF CONTENTS	Introduction	3	Methodology
		3	Organization
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	22	5.	Identity/perception of descendants of slaves
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		60	12. General conclusion and prospects
		66	Expectations for the future for future research

Truth and Justice Commission 2

#### Reference 334 - 0.01% Coverage

guides were translated into Creole.

In line with the aims of the project, the questions were regrouped under fourteen main topics: 1. Life History 2. Literacy 3. Family History 4. Property 5. Identity/Perception of descendants of slaves 6. Slavery and its consequences 7. Contribution of slaves and their descendants to the economic life of Mauritius 8.

Contributions of slaves and their descendants to the political life of Mauritius 9. Contribution of slaves and their descendants to the social life of Mauritius 10. Contribution of slaves and their descendants to cultural life of Mauritius 11. Slavery and its consequences and perceptions of descendants of slaves 12. Life in cités 13. Perceptions of other ethnic and cultural groups 14. Racism 15. Expectations and hopes for the future  
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#### Reference 335 - 0.01% Coverage

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VOL 3: PART I – SLAVERY - ORAL HISTORY OF DESCENDANTS OF SLAVES 4. PROPERTY  
PORT LOUIS NORTH AND SOUTH

#### Reference 336 - 0.01% Coverage

lost the land through neglect.

R14 Owns a house inherited from the mother who had bought it R15 Owns a house at Cité la Cure and a plot of land at Mme Azor R16 She lives with his son who owns house at Cité la Cure. The forefathers had a plot of land at Pamplémousses that they lost through neglect and declaration of property rights

R17 Owns the house in

#### Reference 337 - 0.01% Coverage

R3,R4, R7, R11, R14

Informants owning property Other

land/housing

Owns the house

#### Reference 338 - 0.01% Coverage

DESCENDANTS OF SLAVES Table 9

Informants owning property Owns the

Owner Total

R1, R2, R3

#### Reference 339 - 0.01% Coverage

a house in the cité.

R16 His parents have a plot of land but no property act. He lives in his mother's house.

Truth and Justice Commission 24

#### Reference 340 - 0.01% Coverage

her own house. Table 10  
Informants owning property  
Own their house  
Total  
R1

#### Reference 341 - 0.01% Coverage

to claim back their lands.

I know the Tai family of Flacq who had vast portion or around 100 arpents of land in Bel Etang. The elders didn't inform the upcoming generation about this land and it became unoccupied. The sugar estate had land on each side of the Tai property. First, they built a road across the unoccupied land. Little by little they cleared further land until they became the owner as no one is claiming the land. The Aza family also faced the same. When they claimed their land, the sugar estate in return claimed for much compensation for the money they invested in the land.

R4 Respondent has shown an

#### Reference 342 - 0.01% Coverage

descendants in the working class.

Property and housing: 300 years after French colonization and 162 years after the abolition of slavery, many very poor descendants of slaves and Creoles in general are still struggling to get a decent house.

Creoles did not have the

#### Reference 343 - 0.01% Coverage

3. 4. 5. 6. 7.

Settlement -----  
----- 103 Maurel's Property -----  
----- 105  
De Ravel Property -----  
----- 105 Hardy's Property -----  
----- 106 Pilot/Koenig Salt-pan and Îlot Fortier -----  
----- 106 De Senneville Property -----  
----- 106 Ramdennee Property -----  
----- 106  
Cité La Mivoie -----  
----- 107

4

#### Reference 344 - 0.01% Coverage

and functions like a body.



It is a space constructed by its residents that shapes their lives. It is a shared and common space where the notion of private property and individualism are absent.

The centre of the housing

#### Reference 345 - 0.01% Coverage

the weight of these changes.

For example, one main negative outcome is that they are denied access to the mountain and land for small-scale farming because it is private property as testified by Varnanaden Veerapen ...Ti enn terin lagrikultur sa zordi terin la inn konverti...pe morsel pe cande...<sup>18</sup> (Eng. trans. It was an agricultural land. Now they converted the land...it is being divided and sold).

The recent residential developments and

#### Reference 346 - 0.01% Coverage

Lapel (Eng. trans. Tamarind Call):

It refers to a Tamarind tree that was in front of the property of Mr. De Senneville, on the roadside apposite the place named forum. The Tamarind tree still standing and is located in front of the place named the Ranch.

The workers of Mr. De

#### Reference 347 - 0.01% Coverage

the Indo-Mauritian business owners.

Furthermore, spatial arrangements of the property as well act as ethnic markers such as in most of the Indo-Mauritian gardens there is a Mabhiswamiavk Hanuman<sup>43</sup> to protect their house and the house dwellers and differences in housing conditions and constructions are a visible symbol of social inequalities.

Considering that houses and asset

#### Reference 348 - 0.01% Coverage

Creoles in the housing estate.

It should be noted that, the material modern signs of wealth such as visible satellite dishes or an LCD television set in a shattered iron-sheet house or a 'tuned' car in the housing estate can be misleading on the actual financial situation of some of the local residents. There are indicators not only of consumption choices but of life priorities as well. For example, one of the informants (who is not among the wealthy residents) mentioned that she would buy an LCD television set to watch international football. Later on, during fieldwork, she mentioned that she was not yet a property owner because of lack of financial means to pay the legal proceedings.

In addition, during the interviews

#### Reference 349 - 0.01% Coverage

and was beaten to death.

We tend to forget that 'black female' identity was shattered under slavery. Slave women were treated as sexual objects that imply that they were denied sexual integrity and they were the property of their slave master. They had no control over their sexuality and bodies.

Subject to rape and other

#### Reference 350 - 0.01% Coverage

du Tamarin to Tamarin Village.

Later, Philippe Lagesse sold his concession to Marcel De Maroussem and the Mr. Ramdenée whose property was located after that of Joseph De Senneville and along the Black River Gorges Road until Pon Misel and at the foot of the mountain until St Augustin Church.

Marcel De Maroussem sold his property to Joseph De Senneville who converted his land into hunting grounds. Oliver was working for him as watchman from the age of 45 and now he is retired.

According to Moutou (2001, p

#### Reference 351 - 0.01% Coverage

Truth and Justice Commission 104

VOL 3: PART I – SLAVERY - FROM SLAVE CAMP CITÉ: LA MIVOIE Chart 6 Land Transactions among the main estate owners in the Black River Region 1. Maurel's Property

Oral history discloses that, apparently

#### Reference 352 - 0.01% Coverage

Koenig brothers salt-pan owners.

According to Nicole, 'propriété Maurel commence après le dit Bel Ombre!'<sup>64</sup> (Eng. trans. Maurel property starts after Bel Ombre). Hence, the property extended after Bel Ombre property in Petite Rivière Noire to Tamarin.

##### 2. De Ravel Property

When going towards the North, De Ravel's property is on the left side of the main road and starts with the Fatima Chapel<sup>65</sup> in Petite Rivière Noire where the Salin De Ravel is located.

...ziz kouma nou gagn komansman

#### Reference 353 - 0.01% Coverage

to the Pilot salt-pan...)

Recently the De Ravel Family<sup>67</sup> sold their property in Petite Rivière Noire to Beachcomber group but the salt-pan is still operational.

On his property, inside Salin De Ravel, there was a camp at the entrance of the salt-pan where the workers used to live. The camp was destroyed 20 years ago and presently Nicole's daughter and her family are the only one to live there.

As from the place named Bois Piant, when going towards the North, the property on the left side of the main road is divided into two parts. The land that is on the sea border is for the Pilot/Koenig family and the land on the road border is for the De Ravel Family.

### 3. Hardy's Property

It is located on the

#### Reference 354 - 0.01% Coverage

Mrs Leclezio and Mrs Adam.

### 5. De Senneville Property

When going towards North, the De Senneville property is on the right side of the main road and starts after the place named Bois Piant, after the reservoir.

...apre bwa pian la li

#### Reference 355 - 0.01% Coverage

vande, vande, De Senneville...68

(Eng. trans:...After Bwa Pian starts De Senneville [property]...Before it was for Maurel, then [he] sold, sold, sold [to] De Senneville...)

According to Nicole, the Maurel Family sold the land to the De Senneville who used his property as hunting ground. Part of the hunting ground was converted into residential land. A Morcellement was constructed in-front of Paolen Industry on the location of the Aloes Mill.

### 6. Ramdennee Property

Ramdennee Family estate started after the De Senneville property, after the Tamarind tree named Tamarin Lapel. According to Nicole, Mr. Ramdennee bought land from Mr. De Maroussem around 1970 and in around 2005, he divided and sold his land for residential development and built Morcellement Les Filature.

...donk en 1960, Ramdennee pa

#### Reference 356 - 0.01% Coverage

salinn lot kote la... 74

(Eng. trans:...Listo camp...yes...that it is was located exactly in...Village Bougainvilliers...yes but there were small houses, houses made of cow dung...but when was this camp...which period? It was in...before 1960...but this camp it was on Ramdennee property?...after 1960, many camps disappeared, after 1963...all the camps disappeared? Yes...but the people living in Listo Camp where they moved? There are people who moved to Rivière Noire EDC. Then there are people who moved in the salt-pan on the other side there...)

...Apel sa kan Listo. Kan

#### Reference 357 - 0.01% Coverage

private landownership and private propertyship.

It transpires from the interviews that, until the landowners erected walls and bared wires (visible signs of property delimitations), the villagers were not conscious of the fact that land (including land lying fallow) was already conceded (it was already divided in 18th century) and that they were

Reference 358 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

For example, all the respondents are against the gated residential areas that forbid them access to the mountain and the beach that they conceptualise as public spaces. For them, the mountain is a natural feature that cannot be conceived as a private property.

Photo 13 La Plantation Marguery

Reference 359 - 0.01% Coverage

houses for medium income families.

However, post-modernisation societies, on one hand, are more stratified with social inequalities being more accentuate. On the other hand, new modern construction material and technologies were developed and houses, although formerly less important, as well as property ownership, became indicators of socio-economic mobility and of social and economic status. In contemporary Mauritius, people tend to be categorised based on their house's state of repair, design and superstructure.

In line with the respondent's testimonies, the wealthier residents are property owners who live in one or two storey concrete houses and who spend money in maintenance of their property. The 'poor' are those who live in shattered corrugated iron sheets houses.

...Be apre si enn dimounn

Reference 360 - 0.01% Coverage

civil society and of resources.

4.10 LAND Property ownership

Under Section 28 of the

Reference 361 - 0.01% Coverage

for approximately 4,000 rupees.

Renaud Louis also is a property owner. According to Emilienne, her concubin registered the house and land on his name only which implies that he is the sole owner of the property. In 1989, she bought the house for 500 rupees and they paid 4,000 rupees to become landowner in 2008. The land surveying cost 1,750 rupees and they paid 200 hundred rupees for two witnesses.

According to Devi in 2009, the Government gave facilities to people to purchase CHA houses and in the same year she purchased her house for 4,000 rupees, Julien Albert, and his mother as well are property owners since 2009.

...mwa Lane dernier. Gouvernman pann

Reference 362 - 0.01% Coverage

and succeed. But not all...)

Notwithstanding some residents are conscious of the importance of being a property owner, there are some people who have not yet gained this consciousness and others for whom access to land is utopia.

Albeit the purchasing value of the house and land were low cost and seemed rather symbolic, yet, there are still people who are property-less because either they do not have the financial means to buy a property or there are inheritance problems resulting from ambilocal residence patterns. For example, Nicole is not property owner.

...Me terin? Ou proprieter terin

#### Reference 363 - 0.01% Coverage

of literacy and numeracy skills.

Besides, even though the families residing the in the Cité like the Jean Pierre, Thousand and Toulouse families stated being property owners, yet, given that they adopt ambilocal residence

Truth and Justice Commission 132

#### Reference 364 - 0.01% Coverage

of their relation the space.

In fact, interdependency characterises Cité La Mivoie whereby the local residents are connected and interdependent. In this web of connections and interrelations, land is a shared and a common space that belongs to the Cité. However, given that the Cité does not exist in a vacuum and functions within a macro-system, the legal characterisation of land rooted in western individualistic terms is influencing the local conceptualisation and relation to land. In Contemporary Mauritius, the local residents are facing property ownership problems that are exacerbated by the present social and economic crisis.

Truth and Justice Commission 133

#### Reference 365 - 0.01% Coverage

social, health and nutritional needs.

For them, purchasing land is beyond their financial means. The low-income earners bear the burden of land speculation and increasing land value that deprive them of their entitlement to be property owners. They cannot afford to purchase either land or an apartment that they conceive as luxury assets. For them to be a property owner is a utopia.

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#### Reference 366 - 0.01% Coverage

##### SLAVE CAMP CITÉ: LA MIVOIE

Indeed, it seems that they conceive property ownership as an entitlement for 'others', the wealthy people and elite and not for 'us' the underprivileged. Consequently, they have no other choices than to adopt ambilocal residence patterns.

Equitable land distribution and access and enjoyment of full rights of property ownership are not being practised nor promoted with land being concentrated in the hands of wealthy people and the land market

practices restricting access to property ownership to the low and middle income earners which implies that the latter's rights and opportunities to occupy and utilise land are being denied and infringed. They are considered as an insignificant market as they have limited or no spending power.

Such discriminatory practices are not

#### Reference 367 - 0.01% Coverage

social and economic development opportunities.

In line with Carter (cited in Quan 2006, p.2003) 'equitable land access forms a sine qua non with up-ward social mobility, wealth creation, equitable wealth distribution and improvement of standard of living. There is a positive correlation between poverty reduction and land access as well as enjoyment of full rights of property ownership. They benefit household income gains, food security and serve as a safety net with investment effects whereby land assets provide a buffer against external shocks and frees up resources for investment e.g. in children's education; and the dynamic income distribution effects of more equitable land distribution across society.'

The low-income earners and

#### Reference 368 - 0.01% Coverage

La Filature on Ramdanee Estate.

With the exception of, Village Bougainvilliers and Morcellement Les Tamariniers that were built for the villagers that were displaced from De Ravel property and Kan Diosez respectively and a forthcoming morcellement for the inhabitants

Facing lack of access to

#### Reference 369 - 0.01% Coverage

practical solution to their problem.

Furthermore, it seems that there were no visible delimitations indicating it was private property such as the land was not fenced and there was no sign that trespassing was forbidden. In their spatial conceptualisation, this land was part of the Cité and belonged to the collectivity. They appropriated this land.

Even if they were conscious of the illegal nature of their actions (taking possession of a property), their right to housing and having a shelter overrode other legal concerns. But, the Li Mo Yo family has currently lodged a case in court to get back their land and the squatters will be expelled. Given their limited financial means to buy and even rent a housing unit, some of them have no other choices than to build a unit adjacent to their relatives' residence in the Cité.

These housing and land problems

#### Reference 370 - 0.01% Coverage

were papers missing to continue...)

The history of these 'dispossessed families', and especially of the Albert/Colfir Family who reside in the Cité, forms part of the collective memory of Cité La Mivoie. These family histories are still alive in the memories of the residents – all respondents mentioned having heard that these families were landowners and that

they were dispossessed of their property even though some were more knowledgeable than others who did not know the detailed story.

Even if the Colfir Family did not undertake legal actions to claim their land, for these people, the individual memories of their lost land somewhat contribute to distinguish them from the others who are not landowners. This land is symbolic for the family members as it represents the life they could have lived such as better housing and living conditions and the status and facilities that people enjoy when being property owner.

In view of the fact

#### Reference 371 - 0.01% Coverage

in this region for generations.

Democratising access to property ownership through the construction of low cost residential developments/Morcellement for the low and middle classes. It also implies implementing measures to protect and defend the land rights of the vulnerable groups such as women and working class families.

- Social Organisation

In line with

#### Reference 372 - 0.01% Coverage

and environmental sustainability.

- Land Dispossession

In line with the various United Nations treaties, government should promote 'effective and democratic land, property and natural resources governance, management and practices' including decisions on access to land, natural resources and property; land and property rights, land use, and land and property development. It is the duty of the government to support the increasing number of citizens who do not have access to land and adequate shelter and since market forces will not naturally alleviate the situation land reforms should be proposed to reduce the structural inequalities and longer term measures for housing and land and property rights need to be put in place to support social stability.<sup>121</sup>

For example, FIG–World Bank

#### Reference 373 - 0.01% Coverage

difil ete la lizin...136

(Eng. trans:...Aloes Mill...You know the properties inland, it is divided because the Aloes Mill it...was Mr. Maurel who managed it...at the beginning. Yes. Afterwards Mr. De Senneville took over. Mr. De Senneville until now when you pass by you will see the electric posts there. You will see where the electric posts are [it was there] the factory...)

Antonio testified that there was

#### Reference 374 - 0.01% Coverage

sa la, karo maraz...146

(Eng. trans:...for me I think it was on Maurel's property. Since the old man had his garden there, he worked in sugarcane [field], he worked in sugarcane [field] and during free time in the afternoon he was gardening, that is why we named it Maraz plantation...)

5. Park bef (Eng. trans

#### Reference 375 - 0.01% Coverage

a living from this activity.

Most fishermen in the Cité work for a banyan (Eng.trans. Wholesaler Middle man or Fish trader) which means that this system still prevails. In this first case, the fishermen are not self-employed as they work for the banyan that provides them with boats, fishing materials and a salary and in return, the catch is the property of the banyan.

In the second instance, there

#### Reference 376 - 0.01% Coverage

and inalienable rights of children.

Consequently, the State engaged itself to respect and promote the rights set forth in the Convention without any discrimination so that each child can fully enjoy his/her human rights irrespective of his/her race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. In this respect, the Mauritian State committed to take all appropriate measures to ensure that children are protected against all forms of discrimination or punishment.

Article 28 of the above

#### Reference 377 - 0.01% Coverage

for such type of development.

They might in the long run lead to the 'ghettoisation' and impoverishment of the villagers with on the other side wealthy people living in gated luxury residences which subsequently might cause many social problems such as prostitution and property crimes.

...Me developman osi bizin...enn

#### Reference 378 - 0.01% Coverage

current account balance are impending.

Hence, the small and medium enterprial projects developed that rely on tourism can be queried as poverty alleviation strategies and sustainable development projects given the slowdown in the local property market and the decline in spending power.

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#### Reference 379 - 0.01% Coverage

effects of these developmental projects.



Based on the United Development Programme (2010) analysis, the underprivileged people will continue to live in precarious conditions and the number of slum dwellers will grow with the worsening home crisis resulting from the worldwide financial and economic downturn that has been exacerbated by 'lack of land titles and other forms of secure tenure; cutbacks in funds for subsidised housing for the poor; lack of land reserves earmarked for low-income housing; and an inability to intervene in the market to control land and property speculation'.

As stated in the report

#### Reference 380 - 0.01% Coverage

Kan Salin De Ravel

Caredas

Democratising access to property ownership

Social Organisation

Ensure that every

#### Reference 381 - 0.01% Coverage

Millennium Development Goals

Land Dispossession

Promote 'effective and democratic land, property and natural resources governance, management and practices'

Support the increasing number of

#### Reference 382 - 0.01% Coverage

land and adequate

shelter and

including land reforms to reduce the structural inequalities and longer term measures for housing and land and property

Address the problem of continuing

#### Reference 383 - 0.01% Coverage

CiteLaMivoie/19May2010, lines 758-771

102 Refers to a unit in a building in which units of property are owned by individuals and common parts of the property are TJC/6/SLC AC/IN/DE 9/T/CiteLaMivoie/19May2010, lines 52-58  
owned jointly by the unit

#### Reference 384 - 0.01% Coverage

diversity in a school setting.

Caveat emptor: Latin for "Let the buyer beware". The basic premise is that you are buying a product or property at your own risk and should personally examine and test for obvious defects and imperfections. Caveat emptor still applies even if the purchase is "as is" or when a defect is obvious upon reasonable inspection before purchase. Since implied warranties and consumer protections regarding product liability have come upon the legal landscape, the seller is held to a higher standard of disclosure than "buyer beware" and has responsibility for defects which a buyer cannot note by casual inspection.

Certiorari: Latin for "fully informed"

#### Reference 385 - 0.01% Coverage

legal histories of compensatory reparations

in Mauritius Island after the abolition of slavery. It examines the case of a Mauritian consortium, which was created after the abolition of slavery with compensatory monies from the British government compared to a lawsuit for compensatory damages for the loss of slaves' labour and property as a result of abolition in the State of Louisiana. This section also investigates the reparations suit for the refugees of the Chagos Islands in Mauritius and why the compensatory actions did not heal these people's wounds. It also explores the theory of race through history comparatively in the U.S and Mauritius using Adelbert Jenkins humanistic approach to psychology and cross-cultural psychology proposed by Ute Schönplugg.

Section four is devoted to

#### Reference 386 - 0.01% Coverage

and slightly built; unlike the

many other male slaves belonging to the Blow family group, he was not a mulatto. His short stature was associated to a bout of disease he suffered in childhood, which decided his owner to set to work in the house rather than on the plantation with the other slave children. Short of cash and his wife sick of a lingering disease that would ultimately claim her life, Peter Blow sold many young male slaves among them was Dred Scott who legally became property of Dr Emerson in 1833.

In 1833, Dr John Emerson

#### Reference 387 - 0.01% Coverage

to James Somerset made the

same argument that a slave became free once he resided in a free state. The case of Rachel v. Walker in 1836 brought to the Circuit Court of St Louis, Missouri also used the James Somerset argument and the court ruled in favour of the slave woman named Rachel. Rachel's claim was that having lived in free territory where slavery did not exist, she was automatically freed. The verdict came a month after Dred Scott's move to Fort Snelling in May 1836. We do not know the reasons why Dred Scott did not bring that suit sooner but the fact that his family would be torn apart was a very strong incentive. The widow Emerson surrendered all of her property rights to Dred Scott to her brother John F. Sandford and this is how the case came to be known as Scott v. Sandford rather than Emerson.

It was recorded that the

#### Reference 388 - 0.01% Coverage

African descent whether free or

enslaved as inferior and by virtue of their African ancestry, they could never attain full citizenship in the Union. Justice Tanney's legal definition of the slave was very much in conformation with the French Code Noir which defined the slave as a "bien meuble", which would mean that the slave was just private property and the owner could do whatever he wished with him, the court could not intervene because the owner was in his rights. Second, Justice Tanney stated that the Framers of the Constitution did not intend to include the Black man in the article of the constitution and that the phrase "All men are created equal; that they are endowed by their creator with certain unalienable rights..." did not refer to the Black man and invoking the racist mindset of the framers, Justice Tanney asserted that if they did not intend to include the Black man as being part of the human family they were intending to define and in the case they did intend to include those of African descent they would have suffered "universal rebuke and reprobation."<sup>16</sup>

Furthermore Justice Tanney proclaimed that

#### Reference 389 - 0.01% Coverage

by French colonists was translated

through the steadfast hold of French cultural values which had slavery being at its very core. The attitude that slaves were inferior therefore were to be "bien meuble" that is, mere pieces of property, as it is worded in the Code Noir; was the nucleus of the so-called French cultural values. British Colonizers were not opposed to slavery either for instance; Charles Telfair was one of the largest and wealthiest slave-owner in the island. Private property was at the very centre of the slave-owning mentality and when slavery was abolished in 1835, slave-owners most certainly saw themselves as being robbed of their property. The threat of losing their personal property

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#### Reference 390 - 0.01% Coverage

### 3: PART I – SLAVERY - REPARATIONS

prompted the planters to send Adrien d'Epinay, an attorney and a very wealthy slaveholder and plantation proprietor to England to "defend the property" of the colonists.

When one analyses from the

#### Reference 391 - 0.01% Coverage

who "such persons" referred to.

The notion of private property as well as the liberal individualism enunciated by John Locke has deeply influenced the Founding Fathers and the drafting of the constitution. John Locke like his predecessor Thomas Hobbes agree that the state has to defend the rights of property of its citizen; Locke says for instance, that when a person uses his own labour to make something out of what was originally communal property, he lays claim to it.<sup>43</sup> Lockean thought like the other 'contractarian' philosophers does not include the black man as a citizen actually in John Locke's reasoning the black slaves were not people at all, they were commodities similar to the Code Noir from Colbert in which the slaves were referred to as "bien meuble".<sup>44</sup>

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#### Reference 392 - 0.01% Coverage

1857, Decided December 1856 Term.

17 The Freedmen's Bureau Records created by Commissioner Otis and his staff contain data on the names of the slaves, birth, deaths, civil status, occupations, and places of residence. These records sometimes contain also the names of the slaves' former owners, information concerning black military service such as their company and regiment, plantation conditions, manumissions, property ownership, migration, and family related matters such as children or relatives (their names, age, sex and skills/occupations) sold in other states. These records are a major source of African-American genealogical research at the National Archives (see: Guide to Genealogical research in the National Archives, c2000 & A select Catalog of National Archives Microfilm Publications, c1996- both published by the National Archives Trust Fund Board).

18 National Archives and Records

#### Reference 393 - 0.01% Coverage

on the degree in which

the terms of the capitulation may consult their personal interests, as connected with the security of their property, with the advantageous dispersal of the produce of the island and with their safety against the insurrection of their slaves. According to Teelock, Farquhar forged a policy of conciliation with the French colonists; he employed the "sons of principal landholders" to hold public office, maintained the traditional French administrative institutions such as the division of districts into the French division known as "quartiers". Farquhar reintroduced the posts of Commandant de la Milice, Commissaire Civil as well as the institution known as the Commune.

35 Ibid page 173. 36

#### Reference 394 - 0.01% Coverage

of the United States Constitution.

43 Kelly, Eugene. "The basics of Western Philosophy". Greenwood Press, Westport, CT, c 2004, page 194. Property Rights: Both Hobbes and Locke agree that one of the functions of government is to defend the rights of property of its citizens. The notion of property rights naturally requires some analysis and defense. What if a person did not acquire his property legitimately? What if a person uses his property to harm other persons, for example, by using his ownership of a factory to employ workers at a very low salary? What theoretically entitles a person the use of his property?

44 Bien meuble literally means immovable property, a piece of property that one can in theory dispose of however he pleases. The property is ambulatory very much like a beast of burden, it can be used to till the earth, or produce goods. It can also breed thus increasing the owner's initial investment.

45 Ellison, Ralph, Invisible man

#### Reference 395 - 0.01% Coverage

Margaret K. McElderry Books, c2005.

77. Naden, Corrinne. J & Blue, Rose: Dred Scott: Person or Property? Tarrytown, New York: Benchmark Books, c2005.

78. Nardo, Don: The Atlantic

#### Reference 396 - 0.01% Coverage

University of Illinois Press, 1976.

106. Philip D. Morgan: The Ownership of Property by Slaves in the Mid Nineteenth-Century Low Country. *Journal of Southern History*. August 1993, 49(3): pp. 399-420.

107. Robinson, Edward J.: To

#### Reference 397 - 0.01% Coverage

with Sabally Kaudeer and Ramnath

Seebarun, who were both Indo-Mauritians and engaged labourers on the same estate. Peerthum passed away on 30th April 1905 at Grande Retraite Sugar Estate and it was Kaudeer and Seebarun who reported his death and signed his death certificate as witnesses. Peerthum No. 5751 (bis) never purchased any property and went from being a day labourer to an engaged labourer during the last years of his life.

3. The Story of Seesurrin

#### Reference 398 - 0.01% Coverage

Sookbasseea Peerthum: The Early Years

Seesurrin Peerthum thus spent the first four years of his life in Grand Bois and barely knew his mother, Lutchmee Ramdhun, since he was only four years old when she died. Between 1891 and 1911, he grew up and lived in a small settlement on the outskirts of Grande Retraite Sugar Estate. He was brought up by the "Mahesh" family and received regular visits and financial support from his father until the latter's death in 1905. The house and property of the "Mahesh" family was located where the Grande Retraite Village Hall is located today. During the early 1900s, shortly before the death of Peerthum, a child marriage was performed between Seesurrin Peerthum and Sookbasseea Nundlall, the daughter of Ramdhun Nundlall, who was a sirdar on Labourdonnais Sugar Estate in Rivière du Rempart district.

Sookbasseea Nundlall, my great grandmother

#### Reference 399 - 0.01% Coverage

an additional source of income.

It is evident that, Seesurrin spent little time at home, since he left for work before 5 a.m. and returned in the evening. His wife and his young children managed their property in Cottage. Apart from his work as a cart driver, Seesurrin also personally looked after his property at Bois Mangué which he visited almost on a daily basis. By the early 1930s, in order to supplement his earnings from his properties in Cottage and Bois Mangué, Seesurrin tried to acquire some land near the village of Goodlands.

Why did Seesurrin try to obtain a third plot of land? It may well be that he remembered that Peerthum, his father, never managed to purchase any property due to difficult circumstances in life and always remained dependent on the pay he earned as a day labourer and later on, as an 'engaged labourer'. In addition, he

had to depend on other people to raise his children and his father did not leave him with any inheritance in terms of property or money. At the same time, Seesurrun had relied for many years on the generosity of Nundlall the sirdar in order to earn his living and to purchase his first property. He wanted to achieve some type of financial

independence, become a secure property owner, earn enough money to feed his wife and children and leave an inheritance for them, so that they would not have struggle a lot after his death. However, fate had something else in reserve for his family.

Seesurrun tried to acquire a small plot of land near the village of Goodlands by making a verbal agreement with a Franco-Mauritian estate-owner there and provided him with a deposit. He also promised to make several installment payments over several years. The objective of Seesurrun was to obtain a half-arpent of marginal land which was located on the perimeter of the estate owner's property. Seesurrun invested a lot of his savings into clearing his plot of land which was rocky, uneven and not very fertile.

At the same time, he tried to clean a deep well in order to obtain water to irrigate his land. Unfortunately, Seesurrun spent most of his money in trying to convert his newly-acquired property from marginal land into good arable land. As a result, he failed in making his installment payments and the Franco-Mauritian planter seized Seesurrun's land as well as the deposit that he had provided. Since it was a verbal agreement, it was difficult to resort to the law to get his money back.

This specific event had a

#### Reference 400 - 0.01% Coverage

village and Forbach Sugar Estate.

Sookbasseea became a widow at the age of 37 and was left with the arduous task of bringing up several children, the management of two properties including an ox, a cart and several cows by herself. The year 1933 was truly a difficult year for Sookbasseea because in February 1933, her father passed away and nine months later, her husband died. Ramdhuny Nundlall was cremated in the same place as his son-in-law.

#### 6. The Story of Chandraduth

#### Reference 401 - 0.01% Coverage

Hurbunsea Peerthum: The Early Years

In the middle of this family crisis, Chandraduth Peerthum, my grandfather, who was only 16 years old, had no choice but to leave school after barely completing Standard VI. He took over his father's work as a cart driver on Labourdonnais Sugar Estate and assisted his mother and his brothers and sisters in the management of their properties in Cottage and at Bois Mangué. This sudden transition in the life of Chandraduth was a long and painful process which required him to be mentally, emotionally and physically strong and mature. Fortunately, he was able to rise to the occasion and shouldered his new responsibilities and help his mother Sookbasseea bring up her children and the management of their properties. During most of the 1930s and the first half of the 1940s, he continued his work on Labourdonnais Estate.

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#### Reference 402 - 0.01% Coverage

Basdeo Bissoondoyal and Sookdeo Bissoondoyal.

During the 1930s and 1940s, he helped Sookbasseea to manage their properties in Cottage and Bois Mangué. He played a crucial role in bringing up his younger brothers and getting his elder sisters married between the mid-1930s and mid-1940s. At the same time, Sookbasseea, Hurbunsea, Chandraduth, with the help of his younger brothers Gianduth and Sorojdutt and relatives, were able to build a large wooden house, with windows and corrugated iron roof.

This was the first house

#### Reference 403 - 0.01% Coverage

less than ten years old.

During that difficult and dark period in his life, my grandfather could still rely on his mother's moral support and financial help. By the mid-1950s, Sookbasseea transferred her property of Cottage to Chandraduth who managed the land with the help of his children. A few years earlier, in 1949, she purchased a half arpent of land in the village of Lallmatie next to Mission Cross Road and close to Bon Accueil. During the course of the same year, she built a small house with the help of her children and moved there. After having resided in Cottage for 23 years, Sookbasseea moved to Lallmatie in order to live with Soorajdut, her youngest son and last child, who was only 18 years old and had opened a tailor's shop at Brisée Verdière.

By the mid-1950s, Sookbasseea

#### Reference 404 - 0.01% Coverage

Road to her son Gianduth.

In 1956, Sookbasseea sold her property at Bois Mangué for Rs. 9,000. She kept Rs. 6,500 and the rest of the money or Rs. 2,500, she distributed among her five daughters who got Rs. 500 each. Sookbasseea used the money to build a new house on her newly-acquired property in the centre of Lallmatie village. She also intended to leave this house and land for Soorajdut. Barely two years after the death of Hurbunsea, Chandraduth's wife, his mother passed away in December 1958 at

Truth and Justice Commission 319

#### Reference 405 - 0.01% Coverage

own savings in the local

Colonial Bank and she was financially independent and did not always rely on her children. Within her lifetime, Sookbasseea was able to generate enough money to purchase three different small properties, and she ensured that her children received their inheritance. She was an independent and progressive woman who had a strong character and tried to forge a destiny for herself and her children.

Unfortunately, in 1959, hardly a

#### Reference 406 - 0.01% Coverage

in the District of Moka.

According to information obtained orally from my grandfather, Sookdeo Ramchurn, Ramchurn 140734 worked as "labourer" at Bar le Duc Sugar Estate. Later, he became a sirdar. He also stated that Ramchurn 140734 was the owner of a large plot of land but after his death, a South Indian entrepreneur

misappropriated the land. As Maratcheea Beehook was illiterate, she was tricked into putting her thumb print on a legal paper. Subsequently, she lost all her property and led a life of poverty.

Baichoo Ramchurn (2nd Second Generation)

#### Reference 407 - 0.01% Coverage

stipulated rates.

#### 3. LIVING CONDITIONS

Living conditions have changed considerably during the 20th century. Many have bought their own property and built their own houses made of concrete although a few stated they lived in rented accommodation.<sup>13</sup> There were some unfortunate cases where they had lost their house through its sale and had to move to the camp.<sup>14</sup>

Most had lived on estate

#### Reference 408 - 0.01% Coverage

and towns (Benedict 1961:54).

In addition to a number of other drawbacks such as lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet despite noting that these living conditions appealed primarily to the poor, who according to Benedict were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As I alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movement between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>87</sup> who stated it was only poor people who did not own property that went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>88</sup>

Although the elderly sugar estate

#### Reference 409 - 0.01% Coverage

sold the milk in town.

Compared to nowadays, they were less dependent on the consumption market to feed themselves. Hence, they could afford to make savings to invest in land. Consequently, most of the respondents who were initially tenants or whose parents were tenants are now property owners.

For example, Dananan is now

#### Reference 410 - 0.01% Coverage

Gens de couleur (Coloured population)



in Mauritius, during the colonial period, under the French and British authorities, and since Independence, up to the present day. It seeks to establish that the 'Coloured Population', as 'Libres de couleur', was as much the victims of repressive measures and injustice during the French occupation (1715-1810) as descendants of slaves and, later in the nineteenth century, indentured labourers. After the capture of Isle de France by the British (1810), there ensued a long, hard fight by the 'Coloured people' for their Human Rights, as regards educational rights, the right to political representation and the right to land ownership, faced with increasing pressure to sell properties.

The origins of the 'Coloured

#### Reference 411 - 0.01% Coverage

constant threats from the 'Whites'

(Franco-Mauritians), and eventually from the Indo-Mauritians, to properties which belonged to a small number of Coloured families in the nineteenth and twentieth centuries, are examined in Chapter 5. It is shown that, whilst that community was at one time in possession of one-fifth of the lands available, it gradually lost its economic position and was forced to sell to either 'FrancoMauritians' or Indo-Mauritians in the twentieth century. The result is that the 'Coloured people' became employees on sugar estates, rather than owners; to day, only one or two Coloured families are holding on to relatively large areas of land.

Rodrigues is a case on

#### Reference 412 - 0.01% Coverage

the perceived constant threats from

'Whites' to property owned by the Gens de couleur in the late nineteenth century, and throughout the first half of the twentieth century, are at the core of Chapter 5. The Coloureds' erroneously paranoid fear of Indo-Mauritians to their social and economic position, as well as to their newlyacquired political influence from the 1920s onwards, were to unify the 'Coloured' community under the leadership of Gaëtan Duval 'The Creole King', at the height of his campaigns against Independence in the 1960s. Clearly, the 'Coloured Population' has always been, and continues to be, divided in its allegiances; some were pro-British, others pro-French; some pro-d'Epinay and others anti-'esclavagistes'; some sided with the Whites, others were anti-White. Herein lies their main weakness in social, cultural and political terms; not without justification, the community was said to bear the mark of Cain and Abel. Some of the Gens de couleur, especially in the first half of the twentieth century, despised the Ti-Créoles and would not stoop to certain types of work. Moreover, they would not contemplate marriage outside their community – hence, some sort of 'caste system' prevailed. But all this has changed recently; interviews with young 'Creoles' reveal that history matters less to them than to their elders, and that intermarrying is no longer a taboo for the 'Coloured Population'. Being Mauritian matters more than 'group belonging'.

Above all, labels, as Chapter

#### Reference 413 - 0.01% Coverage

many marriages.

Several wealthy men,

wishing to ensure their children's or their mistresses' future, in the event of their own deaths, buy land in their names. A few women already own substantial properties in their own right." 19

This tableau of the role

#### Reference 414 - 0.01% Coverage

slaves; thus, between 1768 and

1789, out of 347 freed slaves, 188 gained their freedom from their white masters; of those 188 women, 138 had given birth to 244 children. They are known also to have acquired land and properties, and métis Indian concubines seem to have played a significant role in the emergence of the 'Coloured community' in the eighteenth century. This was the direct result, according to Jumeer, once more of the imbalance between genders; in 1776, for each woman, there were three men on the island. 41

the 'Coloured Population'.

One should

#### Reference 415 - 0.01% Coverage

the host at different tables.

having two separate registers for baptisms, marriages and deaths, despite the Ordinance of 16 December, 1829. A petition was signed on 30 July, 1830 by the following Coloured individuals: 63 H. J. Bruils, alias Dorestan; C. Shelesfort (a carpenter); A. Ricard, alias Ferxier (a carpenter); Lalandelle (a carpenter); E. Baillaud (the son of a baker, "legitimated since 11 years"; E. Joronc [?] (a shopkeeper); P. Berger (a sailor); F. Bussière (a horse doctor); A. Margéot (a clerk at a baker's); J. Dantoine (a bad subject); La Poujade (a sailor); A. Blaize (17 or 18 years of age, now a clerk in the Internal Revenue Office); Max Vilbro ("very impertinent; is a clerk in the Internal Revenue Office"); J. A. Raoul ("clerk to Messrs. Georges Brothers, shopkeepers"); Dubord (a working jeweller); P. Quéland ("employed at a bakery, nothing against him!"); J. B. Cloridor ("was formerly a Finman, is now a fiddler playing at balls"); Raoul; Ls. Siccard (a carpenter, "nothing against him"); Ls. Morin, alias Mandone (a shoe-maker); Bazire (a carpenter); Frellanges (a cabinet-maker); J. Bernard (a carpenter); Théo. Routier (a carpenter, "worked at the late Simonet's); A. Collet ("had property; is a natural son of Cécile St. Aubin"); J. B. Benoît (a "teacher to Government Blacks at the Matricules"); J. B. Houet ("a promoter of cabals, carpenter by trade"). This list is signed by Chief Commissioner of Police, Furniss, and dated 7 August, 1830, after an enquiry had been carried out into the background of the petitioners, all Coloured men. One last example of general racial prejudices against 'Coloured people' occurred at the Theatre in Port Louis in 1830.

Henri Bruils,

who worked as

#### Reference 416 - 0.01% Coverage

73 Of these, only a

'handful' of Coloured individuals would have voted, because of the high property qualifications – probably no more than 500. No doubt, they also felt threatened by the Indian élite, since there were, by comparison, 300 registered Indian electors.

Coloured voters at 6,637

#### Reference 417 - 0.01% Coverage

#### DE COULEUR – THE 'COLOURED POPULATION'

Coriolis on the Council, and was later a member of the Executive Council from 1906 to 1911. A statue at the Place d'Armes, inaugurated in 1992, commemorates this Coloured man's contribution to the political history of Mauritius, at a time when only 12,000 men voted out of 220,000 adults. Only ten members were elected, while 8 were to be ex-officio members, and 9 nominated. The truth is that mainly the Whites and a few Coloured individuals were eligible to vote because of the high franchise, high literacy criteria and property qualifications. 150 The Coloured élite also clearly feared the rise of the Indo-Mauritian community. 151 In the first Legislative Elections in Mauritius (1886), the Democrats, de Coriolis, Célicourt Antelme and Dr. O. Beaugeard, another Coloured man, 152 a laureate of the Royal College in 1850, were carried in triumph through the streets. They had advocated a high franchise and had criticized openly the Governor, which led to his recall. After Pope-Hennessy's return in 1889, Beaugeard resigned from the Council, although he became a nominated member in 1893. The Democrats won an emphatic victory over Newton's party which lost every seat.

For the first time, among

#### Reference 418 - 0.01% Coverage

the gap between the sugar

plantation economy, dominated by the Whites and some wealthy 'Coloured' landowners on the one hand, and the 'secteur vivrier hors plantation', which became mainly the property of the poor 'Coloured population' and Creoles (descendants of slaves and apprentices).

Within the 'Coloured population', the

#### Reference 419 - 0.01% Coverage

Oyster Bay. He soon took

possession of 400 arpents at Les Soupîrs, on a hill between Oyster Bay and Mont Charlot, a property and plantation which he named L'Orangerie.

224 Marragon's grave, and his

#### Reference 420 - 0.01% Coverage

#### DE COULEUR – THE 'COLOURED POPULATION'

1816, when Marragon took over. 228 For his part, Michel Gorry made his living from the land rather than the sea; he had settled at Oyster Bay, with Roger and Boulerot, both fishermen. When they left for Isle de France, Gorry moved up country to a property called 'Les Choux'; there, he first grew indigo but, later, confined his activities to growing only what satisfied his family's needs. Early settlers, who relied on fishing for their livelihood, included D. Raffin who settled in 1803 and started a fishery, with 20 slaves, as well as Lecloud and Gautier.

229 Lecloud had arrived earlier

#### Reference 421 - 0.01% Coverage

September 1869, when the latter

took up his post as the first curé of Rodrigues, in what became a parish of the Diocese of Port Louis. 268 When he left Rodrigues for good in September 1880, Fr. Hilaire donated his properties to Ferdinand Gontrand; no title deed had been issued when the land was surveyed in 1878. 269 The Gontrands continued to occupy the land, known even today as 'Concession Gontrand', until an instrument of acquisition was granted on 13 September, 1894, by the Registrar

General's

Department of Mauritius, to

#### Reference 422 - 0.01% Coverage

Rodrigues, Dupon observed in 1967:

"As for lands appropriated, they represent about 1/7th of all cultivated land, and if one were to exclude the Catholic Church which, with about 40 hectares, was by far the biggest landowner on the island, and less than 10 owners who had 5 to 10 hectares each, the average property would be well below 2 arpents. The Napoleonic Code, as applied to Mauritius, was partly responsible for this division of land [...] 275

As for the 'squatting system'

#### Reference 423 - 0.01% Coverage

sucrière'(Mon Repos, acquired in

1850) in the North, a region where he says considerable properties have been owned by the Coloured Population until 1900 where the owners were white people, as stated by the interviewee whose family owns this propriété. He said that as from 1900, the ownership of the land in the North of the country passed from the 'Coloured Population' ownership to the White Population.

As we can see in

#### Reference 424 - 0.01% Coverage

in Alfred North-Coombes Building

One of the ancestors of the Gentil family who owns the Mon Repos property

Picture 3 Picture 4

Another

#### Reference 425 - 0.01% Coverage

THE 'COLOURED POPULATION' 65 66

In Les Chrétiens de l'île Maurice, Moutou stressed that, under the Ordinance of 1829, the 'Coloured people' obtained the right to inherit and gift properties (p. 145).

J. Chan Low and S

#### Reference 426 - 0.01% Coverage

227 Ibid., p. 58.

228

Ibid., p. 55. According to Bertuchi (The Island of Rodrigues, London: 1923), Le Gros left his seven slaves in his will (1840) to Louise "dite Le Gros" and his property 'Les Soupirs' to Séraphine Pipon (p. 26).

229 Ibid., p. 58. Raffin

#### Reference 427 - 0.01% Coverage

particular physical and intellectual capacities.

The work of these scientists and scholars emerged into the public sphere, influencing public opinion, social discourse and ultimately the Law. In 1804, Napoleon Bonaparte's reassertion of the Code Noir in France's territories (a set of laws designed to regulate the slave system and categorise black slaves as property), led to the consolidation of racist practices in society. The Code Noir was implemented in Mauritius and attempted to fully control the lives of slaves and their descendants.

Who were these slaves? Although

#### Reference 428 - 0.01% Coverage

Europe and Caucasians as superior.

In Mauritius the traveller accounts of Bernardin de St. Pierre (in the 1700s in Mauritius), while producing a very rich account of Mauritius society in those early years, reinforced literary stereotypes of blacks as labourers and slaves and whites as owners and managers. However, de StPierre did pay attention to detail and in doing so, he disrupted certain racial stereotypes, particularly stereotypes of Franco-Mauritians as a culturally and economically homogeneous group characterised by their civilized behaviour. What de St-Pierre revealed is that there were high levels of decadence and laissez-faire among the propertied classes in Mauritius in the 1700s and that the

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authors' term 'a blind alley'<sup>62</sup>

If we understand this correctly, it suggests (for the purposes of this project) that we need to investigate critically racist events. We need to ask questions about what we may generally perceive as normal and accepted behaviour in a democratic society. Why is, it for example, as noted in the countless interviews conducted amongst rural Indian descendant inhabitants via the Aapravasi Ghat Trust Fund Project, were cane workers so poorly treated and routinely racially discriminated against? What really happened in Goodlands in the period following the death of Kaya? Why are some Creoles there still so traumatised by the destruction of their property? With regard to the Goodlands events, we found it very difficult to unearth the full story. The rumour is that an allegedly extreme political group, known locally as Voice of Hindu (VOH), had a role to play in the racist violence which took place there. However, without firm evidence, we are unable to say exactly what happened. However, it is clear to us that the people who were on the receiving end of the violence are still traumatised by it, some ten years later.

But it is not only the exceptional racist events that we should pay attention to. We ought to also interrogate the daily experiences of racism, micro-racial events which in the long run accumulate and dramatically affect the psychological state of the individual. In the period of slavery in the US, there must have been a number

of people who felt that the subjugation of black Africans and their torture on a regular basis was perfectly normal and acceptable. Similarly, as we noted in the overview of daily experiences of racism among slave descendants in Mauritius (see for example the above noted case [Section 4] of the black professional who was barred from entering company property because he is black), there are some people who feel that what some Creoles are experiencing is to be expected and perfectly normal. In the following extract from a report of the Clinical Psychologist on the team, the following was documented in respect of the experiences of domestic workers:

For those who spoke of

#### Reference 430 - 0.01% Coverage

of this country, given that:

(a) Many do not own any property and live in housing estates as leaseholders; (b)

Illiteracy is rampant in their

#### Reference 431 - 0.01% Coverage

was

possible under the slave

system. This made land and any form of property acquisition very difficult even after Abolition, when slave owners were compensated and exslaves abandoned to poverty.

women to 100 men should

#### Reference 432 - 0.01% Coverage

in force under British rule.

Property and land acquisition

Slaves could not own any form of property or inheritance (Code Noir, article 21). Under British rule, (1829, Ordinance 43, 23), they could buy land but only through their master and with his approval.

Indians became landowners during the

#### Reference 433 - 0.01% Coverage

by a period of political

positioning of the new colonizers than real concerns for the lots of the slaves. The 1814 Treaty of Paris awarded the island, together with the Seychelles and Rodrigues, to Britain. The Treaty allowed the residents the right to keep their property, to enjoy their own religion, and laws and customs prevailing before the conquest (Napal, 1984, p.2).

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nature and traditional medicine ..... 891

3. SOCIAL AND CULTURAL ATTITUDE/BEHAVIOUR OF SLAVES AND INDENTURED TOWARDS DISEASES AND HEALTH SERVICES .....	892
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..... 892 3.2 Fear of removal to hospitals and loss of personal property .....	893
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#### Reference 435 - 0.01% Coverage

5912) for the free coloured.

As early as the 1740s and throughout the late eighteenth and early nineteenth centuries, the island had a disproportionate average of eight slaves for each of its white inhabitants. Runaway fugitives were reported to pose a serious threat to life, limb and property. They also coupled murder, arson and kidnapping with plundering and destruction of crops, livestock and buildings.

Truth and Justice Commission 869

#### Reference 436 - 0.01% Coverage

is man's reliance on plants

for his own survival. Healers and Shamans can access into the "vegetable mind" within nature in order to learn directly from plants what their medicinal properties are and how they should be employed. Plants that are now considered toxic possessed a privileged status as sacred plants in many cultures. Tobacco is sometimes called "flesh of the Gods" in the Amazon Basin; the coca plant, in South America, is the cornerstone of the medicinal practices of the Andean cultures, considered to be a divinatory master plant....Cannabis, opium or gandia and other narcotic plants which are considered harmful to health have been used in rational doses to cure illnesses.

Truth and Justice Commission 891

#### Reference 437 - 0.01% Coverage

Truth and Justice Commission 892

3.2 Fear of removal to hospitals and loss of personal property In the case of the plague epidemic, while the mode of its propagation by rats and fleas was

not yet established, "disinfection was carried on in such a way that it was soon considered synonymous of 'destruction of property,' and, as the compensation granted by Government was always inferior to the value of the articles damaged or destroyed, the people removed their infected goods and chattels and lodged them elsewhere as soon as they suspected a case of Plague on the premises". The blame was always laid on "ignorance and obstinacy of the uneducated classes". They hid their sick members of the family, which are often discovered only when other inmates of the house or hut have become infected.

For instance the Chinese shopkeepers

#### Reference 438 - 0.01% Coverage

the skin of the roots

is used by Telenga doctors in India against intermittent fever. All parts of the plant have very stimulating properties. The bark of the plant is employed as tonic and depurative; la sève et la résine (resin) possess abortive properties. It can be used for abortion without affecting the mother's health. The fresh leaves are used against abdominal pains, headache and syphilis. The ripe fruits are used in gargles in case of sore throat and bronchitis, and also in bath, and as a tisane for diuretic, and on wounds as cataplasm. Daruty names it *Toddalia aculeata* and states that it holds medicinal properties to cure the following diseases and sicknesses: Abscess of the breast on women who are breast feeding women; Asthma, Bronchitis, fièvre paludienne.

Neem, Nime. Margosier - this last variety originates from S.E. Asia. (*Azadirachta indica* A. Juss) All parts of the plant possess a resin having antiseptic properties. Céré refers to it as "Margosier de Trinquemalay". Thompson – *Melia azadirachta*. Boyer – lilas sacré. Daruty calls it lilas sacré or Nime. He indicates that the bark is "febrifuge", astringent, bitter. It is recommended in case of fever, in appetite and to cure wounds. Lilas de l'Inde (*Melia azedarach*)

#### Reference 439 - 0.01% Coverage

has a solid reputation as medicinal plant. It was brought by Baudin because of its panacea properties. *Orthosiphon* (*Artistatus*). It is widely used by Javanese to treat infections of the kidney and the liver. Baume du Pérou

#### Reference 440 - 0.01% Coverage

medical domain, it is an emollient, has cooling properties and is indicated in cases of inflammation. 4.2 Information based on field work/interviews Some plants were used by slaves, indentured labourers and the General population for healing. These have become part

#### Reference 441 - 0.01% Coverage

all forms of therapy for diphtheria failed. Anderson (1854) writes "... a layman in Mauritius of the name of Gentrac, who had made out of simple herbs a secret remedy, which when applied to the patient's throat before the fourth day of the disease, was invariably successful, — and from morning to night this man was hard at work curing the little ones". Gentrac's tisanes were so successful that Professor Brown Sequard of the College de France "persuaded him to visit Paris, and try his remedy on the children, who were dying from Diphtheria by the hundred at the Trousseau Hospital. The Paris Academy at once placed the children under his care but his remedies here had no effect..." Gentrac failed in his endeavour because "the herbs he used in Paris, though the same in every respect as those of Mauritius, grew on French soil [...] the same plants have different properties according to the soil they grow in". Gentrac returned to Mauritius, very disappointed. He however imparted his secret knowledge to Monsieur Flauricourt, who became as successful a healer in Mauritius. Dengue (Dandy or backbone fever)

#### Reference 442 - 0.01% Coverage



international fame. He has created

his own website and foreigners often contact him for advice and purchase of herbs. His trade has suffered considerable setbacks with ruthless deforestation of lands destroying plants of great medicinal importance. His grandfather used to offer some 600 types of plants and three generations later there are only about a hundred available. Among the plants which he offers, a large number of them were used by indentured labourers and continue to be used by their descendants, and other Mauritians as popular folk medicine. Some of these plants have transcended their medicinal meanings and acquired spiritual and religious significance because of their potential medicinal properties. The courtyard of every Hindu temple prides itself of the lila de Perse or neem, the betel, the basilica or tulsi. Many families have these plants around their residence.

Lila de Perse or neem

#### Reference 443 - 0.01% Coverage

never go to hospital when

sick. It was the same in the days of his ancestors according to what he heard his dada say. Members of the family looked after each other at home, doing sewa. Moreover, there were very few hospitals and were far away. They relied solely on home-made remedies. His dada who was a nursing officer, also knew a lot about tisanes and had great faith in them. He used to give injections to patients and also advised them on jaribouti medicines. For kidney stone bois de ronde was recommended. He has learnt a lot from his dada as he always used to accompany him on his trips. He adds that leaves, roots and bark of trees have medicinal properties. Ayurvedi pills are made from leaves and also clay; they are also available in the form of powder.

Jaribouti or any parts of

#### Reference 444 - 0.01% Coverage

Commission in any manner whatsoever.

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#### Reference 445 - 0.01% Coverage

It is there that slavery,

as it is understood in Mauritius, became established with maroon hunts, separate Parish Registers and domestic servants being treated as property.<sup>26</sup>

1721-1735

On 20th September

#### Reference 446 - 0.01% Coverage

which went later to Pondichéry

Did he become rich? An inventory of his belongings at time of death of his wife in 1781 lists substantial property. From 5 of his slave trading ventures between 1763 and 1777, he collected some 15,000 livres or on average 3,000 livres per voyage. On the 5 voyages, some 2,200 Africans were captured as slaves, with a commission of 2%. In addition, most slave trading ships also carried pacotilles and so revenues far exceeded the 45,000 livres from slave trading alone.

Beaugeard, a millionaire by today's

#### Reference 447 - 0.01% Coverage

labourer or terminate the contract.

Ordinance 15 of 1852 (Article 10) made the withholding of payments a punishable offence, and the employer had to pay £10 compensation to the complainant, if the charges of non-payment of wages were proved. Article 11 of the same Ordinance provided that if the arrears were due for more than 3 months, this amounted to breach of contract and the indentured labourer had the right to claim the end of contract.<sup>66</sup> This Ordinance also provided for the seizure of the property of the employer to pay the arrears of wages due to the labourers.

Ordinance 31 of 1867, one

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##### 4: PART VII – INDENTURED IMMIGRATION

between spouses, there was a higher proportion of widows. Many widows suffered from social stigma and often from greedy family members who stole their property. They were an easy prey for the recruiters and agents who were desperately looking for women emigrants to meet the desired quota. Thus, among single women who migrated to Mauritius, there was a significant proportion of widows wishing to forge new matrimonial alliances even in the emigration depots.<sup>116</sup>

DEPOT MARRIAGES

Before their actual

#### Reference 449 - 0.01% Coverage

ice women

ers in Coloni

property colony.

Petit Mo women

orcellement purchasing

#### Reference 450 - 0.01% Coverage

##### PART VII – INDENTURED IMMIGRATION CONCLUSION

The Marriage Laws in Mauritius were essentially based on the premise that indigenous customs of the Indian immigrants were immoral and against the basic principles of civilised cohabitation, and therefore that they could pose a serious threat to the plantation order, if not regulated. Marriage Laws in Mauritius were modelled on British/ European patterns of 'civil' marriages which involved complicated concerns regarding

inheritance, succession and property rights, and not merely union of a man and a woman. The main purpose of the emphasis on registration of alliances was to make these alliances 'legal' and to create a

#### Reference 451 - 0.01% Coverage

apprentices to Bel Ombre.<sup>217</sup>

Between 1827 and 1836, there were several Liberated Africans who still working on the properties of Charles Telfair. In September 1833, the Collector of Customs informed the Colonial Secretary:

"I have received an apprenticeship

#### Reference 452 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

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##### 4.2 Indian Indentured Immigration

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as a commercial entrepôt that

attracted shipping from as far away as Northern Europe and the United States. According to the same source, the greatest spur to this activity was the island's status as a base, from which French privateers preyed on British, and allied, shipping during the wars of American Independence, of the French Revolutionary and Napoleonic eras. The total value of the prizes is difficult to ascertain but large sums were involved. One Port Louis merchant house reported that the value of British and allied shipping, lost to locally based privateers between 1778 and mid-1781, totalled 24,000,000 livres. Other contemporary estimates put the value of captured Anglo-Indian shipping between 1793 and mid-1804 at £2,500,000; Auguste Toussaint estimated the value of prizes taken between 1803 and 1810 at almost 50,000,000 francs. The extent to which any of these monies found their way into the island's agricultural sector cannot be determined with any precision, but increasing numbers of local merchants and seamen did invest in local properties over time. And given the blockade, some investment was directed to agriculture, especially to the production of foodstuffs. Moreover, following the rebellion of the enslaved peoples of the Dominican Republic, the demand for sugar in France and Europe increased significantly. In Ile de France, there was investment in the sugar industry by the end of the 18th century until around 1806. Sixty sugar mills were in operation at that time and sugar exports by 1806 were around 4000 metric tons. M. Vaughan expresses a similar view when she wrote:

"Furthermore, increased French commercial interest

#### Reference 454 - 0.01% Coverage

blacksmiths, carpenters, masons and tailors.

Furthermore, the Coloured People progressively accumulated some capital. The means to achieve this accumulation were through grants and the purchase of public land. Between 1748 and 1810, there were 410 such grants and sales.<sup>28</sup> Other means were through bequeaths and donations. Moreover, the property acquired was rather limited. In 1788, the Coloured People owned only 3.5 % of land, and by 1806, only 7.1 % of all inventoried land was theirs. By 1809, they were farming about 9 percent of all cultivated land.

Another source of revenue and

#### Reference 455 - 0.01% Coverage

##### 2.3.1

##### Slave Labour

The predominant form of labour during the French colonial period was the labour of enslaved peoples who were brought mainly from Madagascar, East Africa, Mozambique and India. Enslaved peoples were chattel labour, considered as the private property of their owners. Code Noir was proclaimed on the 18th September 1724 in the form of Lettres Patentes.

The The

Truth and Justice

#### Reference 456 - 0.01% Coverage

Bourbon commence aussi à s'établir [...]"

A clear allusion to the exploit economically the enslaved people is included. The Code Noir was meant to ensure that the enslaved people remained as coerced, unwaged labour and to ensure their labour power could be reproduced to sustain the slave system. Thus, they did not have the right to own property, as Article 21 stipulated:

"Déclarons les esclaves ne pouvoir

#### Reference 457 - 0.01% Coverage

of the colony of Mauritius:

Article VII: That the properties of the inhabitants, whatever they may be, shall be respected. Article VIII: That the inhabitants shall retain their religion, laws and customs.

Additional Article I: The public

#### Reference 458 - 0.01% Coverage

sont parvenus à s'acquitter."<sup>73</sup>

In addition, there would be a fair number of British traders and businessmen who moved to Mauritius, becoming involved in various economic activities: internal trade, shipping, buying sugar estates, etc. They would join the Merchant Class of French colons and of Coloured People. It is of importance to note that there was already a Merchant Class of Indian origin, mainly South Indian, since the days of French colonialism; by the beginning of the 19th century, and during that same century, there would be another flow of Indian merchants from Gujarat and Bombay. They were involved in internal trade and external trade, especially trade with India. Some of these two strands of traders would be able to accumulate sufficient

capital to become major owners of immovable properties, in particular, of sugar estates as well as money lenders.<sup>74</sup>

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#### Reference 459 - 0.01% Coverage

##### PERIOD AND INDENTURED LABOUR SYSTEM

4.1 The Organisation and Structure of the Mauritian Society and the Advent of Sugar 4.1.1 The early form of organisation of sugar property.

According to 1832 Census of

#### Reference 460 - 0.01% Coverage

reinstated by Farquhar in 1816.

In 1827, an Ordinance in Council was introduced to improve the conditions of slaves in Mauritius. This Ordinance appointed a Protector of Slaves. The Protector dealt with all criminal cases and, as guardian of the slaves, he heard their complaints and brought them before the Tribunals. The Ordinance limited the corporal punishment inflicted on slaves and regulated the size of the tasks on the plantations. A novel provision was the establishment of a government Savings Bank under the authority of the Protector for the preservation of slave property. The Slave was empowered to purchase his own freedom and that of his descendants, if he could prove the funds to be his own or hold a certificate testifying to his good conduct for the past five years.<sup>92</sup>

For the sugar oligarchy, the

#### Reference 461 - 0.01% Coverage

the more arduous field operations.

The colonists' aversion to maroonage had two main causes: On the one hand the threat to personal security and property posed by maroon slaves who remained "active and resourceful protagonists". A second strong motive of resentment on the part of the colonists was that maroonage deprived them of valuable labour which was an indispensable element for the profitability of their operations.

In these circumstances, the colonists, led by d'Épinay and the Comité Colonial mounted a strong opposition to the anti-slavery lobbying in the British political circles and the British Press. The idea of losing control over their slaves dug deep into the hearts of the colonists and their perception of property. Proposed Amelioration Laws sent further shock waves throughout the island. The colonists were also aroused by reports of the Anti-Slavery Society in favour of the emancipation of slaves in British colonies without compensation.

commercial firms in Mauritius that

#### Reference 462 - 0.01% Coverage

inventoried arpents were under cultivation.

The most pressing problem of Mauritian planters was the need to deal with the loss of a substantial portion of their labour force. It was against a backdrop of a severe, and possibly long-term, labour shortage that

estate owners began to contemplate the subdivision and sale of part of their property. It was also an attempt on the part of the authorities to bring some order in a seemingly chaotic situation. After 1835, there was a precipitous decline in the size of the apprentice and exapprentice population.

In 1836, at least 1

#### Reference 463 - 0.01% Coverage

financially more viable units.

In

the throes of a severe agricultural crisis in the 1880s, sugar estates were under pressure owing to the low sugar prices, scarcity of capital and adverse internal circumstances. That period saw the substantial acquisition of sugar property by Indians and the emergence of Indian cane farmers who would play an important role in the future development of the Mauritian Sugar Industry.<sup>109</sup>

The 1860s saw a dramatic

#### Reference 464 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

In 1848, four of the five London houses which financed a large part of the island's sugar crop were bankrupt. These houses provided the working capital of a large number of estates on the security of the product of these estates which was consigned to them in London. The failure of those great "millionaires"<sup>122</sup> caused dismay in the island and for a time paralysed trade causing the ruin of thousands in an unfortunate and misgoverned colony". Sugar property in the island became, for a time, practically valueless.

The governor was authorized to

#### Reference 465 - 0.01% Coverage

##### 2 The Sugar Estate Companies

The pressure of competition caused, in time, a profound change in the economic organization of the Industry. Whereas previously most estates had belonged to individual proprietors, several estates now became the property of public companies.

"After having operated to date as individual properties under private ownership, the sugar estate takes the form of a corporate organization constituted by means of shares and through a particular evolution of affairs, we are confronted simultaneously with a subdivision of ownership of individual estates and the amalgamation of estates under common management. If the change in the system of ownership which is already so widespread were to become the norm the 180 to 200 individual sugar estates which now exist in Mauritius could be combined into 60 to 80 sugar estates companies; and it is to be expected that the outcome would be quite considerable. Already we notice an increase in the market value of sugar property together with greater facilities to secure such amount".<sup>137</sup>

One of the factors, which brought about this fundamental change in the organization of the Industry, was the involvement of estates with finance companies. In 1897, several estates in the island were reported to be very deeply encumbered. When these estates became too involved financially, they were taken over by the finance companies in settlement of their debt: "A great many [estates] are mortgaged to the Oriental Bank; others have passed into the hands of companies that have kept them up. The Mauritius Estates Company and the Oriental Bank Estates Company have very large estates which had to be taken over...". In

1895, the Oriental Bank Estates Company owned or managed eight estates and was financially interested in several others. The Mauritius Estates and Assets Company had considerable sugar property in four Districts of the island. The Anglo-Ceylon Company owned six estates, amongst the largest in the island. The Credit Foncier of Mauritius, likewise, owned a number of large estates.

In 1909, there were in

#### Reference 466 - 0.01% Coverage

brought them back into production.

In 1907, Highlands Estate, with 2,975 acres under cane, was actually cultivating only 206 acres and had leased 2,419 acres to Indian small planters; on Reunion estate, planters cultivated over one third of the estate land. By 1907, Indian cane farmers owned 30 per cent of cane acreage in Mauritius, and produced 22½ per cent of the cane crop. According to Allen, the parcelling out of estates was a device by sugar estates, which were squeezed financially to appropriate the substantial sums owned by Indians in Mauritius. According to him, there is reason to believe that the Indian immigrants investment in property became increasingly important to the Sugar Industry's financial well-being as Mauritius economic crises deepened after the mid-1880s.

The extensive parcelling out of

#### Reference 467 - 0.01% Coverage

and domestic servants (£7,327).

Many of the early sales of land to Indian immigrants in the 1840s during the 'Petit morcellement' were made by Creoles. The Creole landowners had often sunk all their capital in the acquisition of the land and did not have, or could not raise, enough working capital to cultivate it. As a result, many of these plots remained uncultivated many years after their purchase. The early 1880s, by contrast, saw the subdivision of an increasing number of sugar estates and other properties.

The beginning of the 'Grand

#### Reference 468 - 0.01% Coverage

as they remain at the

The second key recommendation made was that: "the Mountain Reserve Lines, to maintain Mountain Reserves at all, must be lowered". It was understood that the Colonial Government would compensate financially forest-owners for the 30,000 or 35,000 acres to be bought. Moreover, for the lowering of Mountain Reserve Lines, Thompson recommended that this could be done either by purchase of the land involved or by proclamation under existing law. There was an old French Law which made provision for these reserve lines and which was interpreted strictly. Thereafter, amendments made under Ordinance No. 13 of 1875 (which governs forest property whether public or private) are such that these mountain reserves are no longer such but in name.<sup>162</sup>

The third and last key

#### Reference 469 - 0.01% Coverage

vehicles and animals Stamp duties

Registration of deeds on transfers of property, incl. succession duties Port, harbour and lighthouse dues  
Post Office

Government Railways Interest

#### Reference 470 - 0.01% Coverage

2,325,959 883,643

Thus, the labouring classes and the poor who were the main consumers of rum contributed Rs. 1,169,464 to Government revenue, the third biggest contribution after customs duties and the revenue from Government railways. The poor were funding, to a great extent, the economic crisis which was not at all of their making. There was no income tax and the revenue for registration of deeds on transfer of property and succession duties amounted to a mere Rs 106,812. The Commissioners was impressed by the revenue accruing from the excise duty on rum. They wrote:

"The excise duty on rum

#### Reference 471 - 0.01% Coverage

sharp drop in sugar prices.

In 1926, the industry obtained a loan of Rs. 6mn from the Colonial Government, in 1927 it obtained a loan of 200,000 pounds sterling from the British Government and Rs. 3mn from the Colonial Government. Other loans were granted in 1930 and 1931. In 1930, the Government lent Rs. 3mn to the Sugar Industry from the Colony's Development Funds, to prevent several estates from going bankrupt, and in 1931, after a severe cyclone, another loan of 500,000 pounds sterling was granted by the British Government to make good the loss on property and crop. By 1931, the Sugar Industry was carrying deadweight of five successive loans amounting to Rs. 20mn, on which it could not repay either the principal or interest.

In 1929, Sir Francis Watts

#### Reference 472 - 0.01% Coverage

hectares (33034.1 arpents).250

The loss of cane land has been particularly high among small planters. They cultivate tiny plots of less than one arpent and their holdings are often fragmented into minuscule and scattered parcels which increase the cost of cultivation. Besides, on account of the fairly frequent occurrence of adverse climatic conditions and lack of good husbandry, their yields have deteriorated over the years and many small planters are cultivating sub-marginal plots on which the yield is only a fraction of that obtained by sugar estates and large planters. Due to the absence of adequate records, their title of ownership is also often problematic. Moreover, much of the land is not irrigated or rocky. With the meagre yields which they obtain in return for all the exertion and resources which they devote to cultivating their plots, small planters are particularly prone to be attracted by the alluring opportunities and high prices offered by promoters in the tourism industry and the lucrative property market.

Clouds on the Sugar Horizon251

#### Reference 473 - 0.01% Coverage



be found among such people.

During the French occupation, under the Gouvernement Royal, a law was passed to ensure better treatment for emancipated slaves and people of colour loi de l'Emancipation of 1767. This new class of citizens could henceforth own property, maintain slaves, but could not receive any donation or be given any property by way of succession. They had to pay special respect to the white men for these to prove their superiority as human beings. It was not before the enactment of Ordinance 57 of 1829 that the free people were put on a par with their white counterparts in the Parish Registers and could accede to the succession of their natural parents and receive any

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#### Reference 474 - 0.01% Coverage

Member for Port Louis.<sup>13</sup>

However, with the advent of Napoleon Bonaparte in power in 1802, slavery was reintroduced and many of the privileges conferred to free People of Colour abolished. The Code Decaën did not tolerate any bonding whatsoever between the White people and their Coloured counterparts. As far as inheritance was concerned, children born of mixed unions would not be allowed to make a claim or inherit any property from a white parent, even when the latter had left no direct heirs nor could a free person receive a donation either by will or notarial act.<sup>14</sup>

The refusal to abolish slavery

#### Reference 475 - 0.01% Coverage

that direction for diverse reasons.

4.1 Although slavery was abolished in 1807 in Britain and slave trade in 1813, the British showed leniency towards the French colons who had decided to stay in isle de France in as much that the treaty of capitulation of the 3rd of December 1810 had guaranteed that their land property would not be confiscated, they were thus allowed to import slaves to look after the sugar plantations. But following strong lobby from the Anti-Slavery Society who argued that Mauritius should not benefit from preferential prices for its sugars on the London Market as slave trade was still being practiced; illegal slave trade was brought to an end in 1827.

4.2 Protest for artisans

#### Reference 476 - 0.01% Coverage

the advent of trade union

It was not before 1936 that the Mauritian society witnessed new configuration and consciousness of workers conditions. This occurred with the advent of the introduction of trade unions and the foundation of the Labour Party by Dr. Maurice Curé and Emmanuel Anquetil. This was perhaps the direct result of very low wages, vagrancy and indifference of the Government of the day more inclined towards the interest of sugar barons. Several strikes by workers struck the island claiming justice causing lost of life and damage of property. Protests also came from small planters as it had become difficult to survive with the meager revenue from the cultivation of sugarcane. In the absence of regulations concerning purchase and sale of

cane in different factory areas, a drastic cut of 50% on the price of cane belonging to the Uba variety was effected. This added fire to the flame.

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#### Reference 477 - 0.01% Coverage

workers.

#### 4.3 Political reform

In 1885, an important event took place in the democratic field when free elections were held. But unfortunately, voting rights were restricted to only a few persons, as stringent conditions regarding property, rent and revenue debarred some 96% of the population from taking part. The result is that only the sugar barons and a few members of the Coloured community could vote. The Constitution of 1885 (Pope Hennessy Reform) continued up to 1948. Needless to say, the great majority of descendants of Indian immigrants and descendants of ex-slaves were debarred from taking any active part in politics.

Further, the riots of 1937

#### Reference 478 - 0.01% Coverage

matter of long-standing debate.

In Mauritius, most of the Chagossians who were living in Cité Ilois, Baie du Tombeau, have sold their property and left for the UK. Presently, there are about 150 families only in Mauritius.

#### 8.4 The 'Malaise Creole'

#### Reference 479 - 0.01% Coverage

The protection of women's rights

The Colony of Mauritius made history when it extended voting rights to women in 1948, at that time when such rights were not even in force in many Western democracies. Over the years, women were empowered; as legal persons, they can act independently of their spouses in matter concerning business, property acquisition, child custody, following Ordinance 50 of 1949 which provides for separate regime of goods and property. Men and women enjoy the same rights under the Constitution and the Law; and the Ministry of Gender Equality, Child Development and Family Welfare promote the rights of women. We can also appreciate the efforts made to change patriarchal attitudes and stereotypes regarding the roles and responsibilities of women and men both in the family unit and in society; and to empower women and promote gender equality and equity.

Nevertheless, these efforts need to

#### Reference 480 - 0.01% Coverage

departure from Social Justice Policy.

Widespread protests from all sectors, including Trade Union leaders, came in as a result of the abolition of subsidies on rice and flour; the end of the school feeding programme; the elimination of the 50% fees paid by the Government to students sitting for School Certificate and Higher School Certificate examinations; the introduction of the National Residential Property Tax; the end of tax concessions on revenue declaration;

retirement at the age of 65; the introduction of taxes on interests received on savings in a bank. All these measures directly contributed to the pauperization of middle classes and the stigmatization of the lower and working classes.

In brief, this was a

#### Reference 481 - 0.01% Coverage

les faire manger et dormir.”

Quite often, owing to extreme climatic conditions on the island, the Rodriguans have had to face near starvation. They had learnt to eat anything that was available; namely wild fruit, snails etc. Over the years, they have become a resilient people. They can put in long and sustained efforts when necessary. They do not like to be hurried or bullied in doing things quickly. In fact, as they have been for so long masters of their time and property, they have developed a great sense of freedom in their actions and also demonstrated an innate pride.

There is thus a case

#### Reference 482 - 0.01% Coverage

WITHIN THE REPUBLIC OF MAURITIUS

possess medicinal properties and is now in high demand in Japan, the U.S.A and the Scandinavian countries. Jeannine’s lovely children find it

#### Reference 483 - 0.01% Coverage

Oyster Bay. He soon took

possession of 400 arpents at Les Soupirs, on a hill between Oyster Bay and Mont Charlot, a property and plantation which he named L’Orangerie. 4 Marragon’s grave, and his wife’s, can still be visited today at L’Orangerie where he lived till his death in 1826. His daughter, Séraphine, born there on 30 July, 1802, lived with her parents until 1826, after she had married a businessman from Port Louis, Charles Pierre François Pipon. She became the owner of L’Orangerie in 1826, had 66 slaves and 17 free children. When she left for Mauritius, she gave permission to her slaves to live on her land, Jardin Mamzelle that became a squatting area for emancipated slaves.

died at La Chaumière, Savanne

#### Reference 484 - 0.01% Coverage

schooner and did so until

1816, when Marragon took over. 8 For his part, Michel Gorry made his living from the land rather than the sea; he had settled at Oyster Bay, with Roger and Boulerot, both fishermen. When they left for Isle de France, Gorry moved up country to a property called ‘Les Choux’; there, he first grew indigo but, later, confined his activities to growing only what satisfied his family’s needs. Early settlers, who relied on fishing for their livelihood, included D. Raffin who settled in 1803 and started a fishery, with 20 slaves, as well as Lecloud and Gautier. 9 Lecloud had arrived earlier than Raffin with 16 slaves.

Most of the early colonists

#### Reference 485 - 0.01% Coverage

September 1869, when the latter took up his post as the first curé of Rodrigues, in what became a parish of the Diocese of Port Louis. 48 When he left Rodrigues for good in September 1880, Fr. Hilaire donated his properties to Ferdinand Gontrand; no title deed had been issued when the land was surveyed in 1878. 49 The Gontrands continued to occupy the land, known even today as 'Concession Gontrand', until an instrument of acquisition was granted on 13 September, 1894, by the Registrar

General's

Department of Mauritius, to

#### Reference 486 - 0.01% Coverage

Rodrigues, Dupon observed in 1967:

"As for lands appropriated, they represent about 1/7th of all cultivated land, and if one were to exclude the Catholic Church which, with about 40 hectares, was by far the biggest landowner on the island, and less than 10 owners who had 5 to 10 hectares each, the average property would be well below 2 arpents. The Napoleonic Code, as applied to Mauritius, was partly responsible for this division of land [...]"<sup>55</sup>

As for the 'squatting system'

#### Reference 487 - 0.01% Coverage

strict integrity" (Ibid., p. 84).

According to Bertuchi (The Island of Rodrigues, London: 1923), Le Gros left his seven slaves in his will (1840) to Louise "dite Le Gros" and his property 'Les Soupirs' to Séraphine Pipon (p. 26).

Alfred North-Coombes, The Island

#### Reference 488 - 0.01% Coverage

them to the necessary work).

Indeed, they were governed by the Code Noir, 1723, that explicitly objectified them as the property of their masters. The slaves were not human beings and thus did not have any human rights. The latter, the Freed population and Coloured People, did not enjoy the same status and privileges as the Colons who were the only Citizens.

The correspondences cited by the

#### Reference 489 - 0.01% Coverage

marche ne les fit prendre [...]

(Eng. trans: The Blacks of Citizen Gauthier always maroon, having met a Black and two Negroes of Citizen Rochetaing in the whereabouts of his property hauled the Black with them after removing the collar which

his master made him wear: the two negroes who had chains as well, not having been able to be freed, they sent them back for fear that because of their slowness, they would be caught).

What they conceived as freedom

#### Reference 490 - 0.01% Coverage

days and then came back.

The origins of the local popular term *eskav libre* (Eng. trans. Free Slaves) is rooted in this common perception that in Rodrigues there were 'free slaves'. They were free in the sense that they were not physically enchained. Nonetheless, they were slaves because they were mentally enchained and legally, as per the Code Noir, they were the property of their masters. Hence, by Law, they were slaves and mentally, they internalised their slave status.

«[...] *eskav zot ban anglai* in

#### Reference 491 - 0.01% Coverage

and is a luxury asset.

Many Rodriguan landowners are selling their properties to Mauritians and even Europeans of Mauritian nationality<sup>12</sup>. Living in relative poverty, and upward economic mobility being limited on the island, property sales are a means for them to have access to money capital and to vertical mobility. Some Rodriguans view with suspicion the acquisition of local land by non-Rodriguans.

#### EMIGRATION OF RODRIGUANS

The emigration

#### Reference 492 - 0.01% Coverage

they favour extend family patterns.

According to Aurèle, before getting married the future husband should build a house for his future wife. Property ownership is proof that the man will be able to provide for his family and guarantee their security. House ownership can be seen as a rite of passage that functions as proof of manhood.

It is common practice for

#### Reference 493 - 0.01% Coverage

Dupon (1961, pp. 81-83).

10 Berthelot (2002, p. 189). 11 Central Statistics Office (2010). 12 As at 10th August 2011, 28 adverts of land on slaves in Rodrigues were recorded on the website of L'Express Property.

13 Central Statistics Office (2000

#### Reference 494 - 0.01% Coverage

#### OF SLAVES AND THEIR DESCENDANTS

5. TRADITIONAL MEDICINE Rodriguans have always relied on traditional medicine, namely medicinal plants. The availability of such plants is linked with the terrestrial biodiversity which plays a key role in the livelihoods of many people. Besides the collection of leaves of the endemic vacoa (*Pandanus heterocarpus*) for the production of handicrafts, for sale mainly to tourists, several endemic species are noted for their medicinal properties. The most commonly used endemic plants for medicinal purposes are bois gandin (*Mathurina pendulifera*) and affouche à petites feuilles (*Ficus repleta*).<sup>3</sup> In their survey (1994) on the traditional pharmacopoeia in Rodrigues, Gurib-Fakim and Gueho have identified 193 medicinal plants currently used to treat some 93 diseases, by the population of Rodrigues.

According to Lelio Roussety, traditional

#### Reference 495 - 0.01% Coverage

world of the 21st century.”

Although Roussety writes mainly about the past and his account may be tinged with subjectivity. As a Rodriguan, he writes on the basis of lived experiences and close interactions with fellow countrymen. His ‘témoignages’ contain the social history of Rodrigues. However, the use of traditional medicine should also be seen from the cultural point of view. North-Coombes<sup>5</sup> writing on Citrons, says: “Furthermore, the native Rodriguans developed a natural urge to consume the fruit, whose dietetic properties he had discovered in the course of time.” (p. 208) He quotes Balfour<sup>6</sup> who calls the fruit *Citrus medica*, “the leaves and the rind of the fruit are used in preparing tisanes for various maladies”.

Similarly, Rodriguans have adopted several

#### Reference 496 - 0.01% Coverage

a report entitled ‘Dérasiné: the

expulsion and impoverishment of the Chagossian people’ and developed 10 dimensions to characterise the Chagossians’ impoverishment: (1) traumatic expulsion; (2) joblessness; (3) economic and social-psychological marginalisation; (4) homelessness; (5) landlessness and lost common property; (6) food insecurity and malnutrition; (7) increased morbidity and mortality; (8) socio-cultural fragmentation; (9) educational deprivation, and (10) ethnic discrimination.

Given that the report provides

#### Reference 497 - 0.01% Coverage

a history of land, and

property and resources dispossession. The latter were deprived of their rights to property ownership, physical integrity and decent living and housing conditions.

The United Nations Declaration of

#### Reference 498 - 0.01% Coverage

on the Rights of Indigenous

people unequivocally state that, firstly, everyone has the right to own property alone as well as in association with others and no-one shall be arbitrarily deprived of his property. Secondly, indigenous people have the

right to the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired. They have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

Human rights were recognised to

#### Reference 499 - 0.01% Coverage

##### ISLANDERS' EXPERIENCE OF FORCED DISPLACEMENT

D'Unienville (2002) provides valuable information on the property rights of the Chagossians. Regarding land acquisition, he

#### Reference 500 - 0.01% Coverage

of their rights thereon..."<sup>27</sup>

Once they were landowners, the property was transmitted to other generations through inheritance and when the

#### Reference 501 - 0.01% Coverage

from Mauritius (from 1965 to

1971), the Chagos Archipelago was subject to the Civil Code of 1894 and Constitution of 1964 that governed the Mauritian territory. Hence, in 1965, Mauritian Law on property was still applicable in the Chagos. In keeping with the Law, the Islanders' property rights were transferred in three ways: by obligation and/or prescription and/or succession.

He identifies one main difficulty

#### Reference 502 - 0.01% Coverage

obligations'. Hence, it is essential:

"...to analyse whether the conditions for acquisition by prescription are met, which would in turn determine whether or not the Chagossians were full owners (with the prerogatives of usus, fructus and abusus) of the lands they occupied or just mere occupiers (with the prerogatives of usus and fructus). This would also determine the nature and extent of the property rights transmitted from generation to generation of Chagossians by way of succession..."<sup>28</sup>

He concludes that the Chagossians were fully-fledged property-owners that were forcefully removed from their land and thus were deprived of the three prerogatives of their property rights listed above and also of their right to have a domicile.

Based on his conclusion, when

#### Reference 503 - 0.01% Coverage

exiled to Mauritius, they were

deprived of their ownership prerogatives and of a decent household. From property owners, they became tenants and even homeless. In Mauritius, they fell into poverty and were ghettoised in the slums of Port Louis. They even experienced multiple dislocations, such as when they were moved to the Dockers Flats, and were then moved to the North and South ends of the District of Port Louis.

Their lives were disrupted and

#### Reference 504 - 0.01% Coverage

the visiting Magistrate for control.

3.3 The liberated slaves were told that they were not forced to work for the establishment. As against other parts of the world, Agalega has no other source of earning money; so no work, no pay. Before becoming fully-fledged workers, as carpenters, blacksmiths..., they were considered as apprentices. All workers, men and women, would have to enter into a contract with the establishment and would be allowed to return to Mauritius at the end of their contract, if they so wished. However, these men and women knew little of working conditions elsewhere, apart from Agalega, which they considered as their homeland by adoption, their children being born on these islands. The land remained the property of the establishment.

3.4 They were so

#### Reference 505 - 0.01% Coverage

attached for ease of reference).

8.4.5 In March 2011, 60 families signed a lease for land and houses. (For conditions, cf. Art. 4.3; Page 12 of Award). The land remains a State property. The lease is for 20 years. This was long overdue. (Ref.TJC Hearing N0 645 – 685).

Truth and Justice Commission 682

#### Reference 506 - 0.01% Coverage

MEMORY – SAUVEGARDE DU PATRIMOINE DOCUMENTAIRE

□ Association Internationale des Archives Francophones, □ Association of Commonwealth Archivists and Record Managers, □ Convention for Intangible Cultural Heritage (UNESCO), □ International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), □ International Council of Museums (ICOM), □ International Council on Archives, □ International Fund for Cultural Diversity (UNESCO), □ World Heritage Fund.

246 Karoly Kecskemeti, "Archives, développement



## **Name: References to Redistribute in Mauritius Report**

<Files\\Mauritius Report> - § 5 references coded [0.02% Coverage]

### **Reference 1 - 0.01% Coverage**

20th

centuries; cheap, century. The

contribution of slaves, indentured labourers and their descendants towards wealth creation has been amply demonstrated in chapter one. Yet, in the 21st century, social and economic progress though impressive in many respects is still lacking in certain aspects: land ownership is still skewed in favour of the economic elite while certain groups, particularly of Afro-Malagasy origin, are landless. Recommendations towards a more equal redistribution of land for a more sustainable future Mauritius constitute a form of reparations for loss of land.

But the landless today were

### **Reference 2 - 0.01% Coverage**

as communal use of land.

However, in Mauritius, the extent of ownership is highly skewed in favour of large plantations owners. There has never been large-scale redistribution of lands either after abolition of slavery or indenture or independence by governments, colonial or independent. Small farmers and proprietors have on their own saved enough money and bought many plots of land at various moments in history.

Indeed, control of land has always been a key issue and a latent source of conflict. After abolition of slavery, the rights to obtain land were severely curtailed even though many ex-slaves did obtain tracts of land during the "petit morcellement". There was no large scale emergence of a peasantry due to colonial government support for the plantation and no encouragement for ex-slaves to become peasant proprietors. However, economic crisis have played their part in ensuring some redistribution took place. By the 1880s, a "grand morcellement" took place which changed the socio-economic landscape when small owners emerged en masse.

Topography has also influenced to

### **Reference 3 - 0.01% Coverage**

#### **FINDINGS AND RECOMMENDATIONS LAND DISPOSSESSION**

The setting up of the Truth and Justice Commission has created high expectations within the Mauritian population at large. Different people had different interpretations of the true mandate of the Commission, particularly as far as land is concerned. Most of those who presented themselves before the Commission were of the opinion that the TJC would do the utmost to retrieve the land that their ancestors might have possessed at different periods of our history. While others thought that they would be compensated for the land they probably owned and which they have lost. This perception has, moreover, been emphasized from certain quarters who have led people to believe that the Commission has been created, first and foremost, to take back large portions of lands, especially from sugar estates, and to undertake an equitable redistribution among the less privileged and those lower on the economic and social ladder.

Very few people were aware

#### Reference 4 - 0.01% Coverage

##### 9.2 Income Tax Rates

Taxation is a financial charge imposed on the individual by the State mainly to raise revenue in order to be able to pay for the provision of public goods and services. Taxation also serves the purpose of redistribution of income from the rich to the poor. In the process of the gradual liberalization of the economy, there has also been an income taxation revolution: from a top marginal rate of income tax of 70% in 1982-83 to 35% in 1985-86. In 1999-2000, it was still decreased to 28%, and finally in 2005, it was brought down to a flat rate of 15%, a figure on a par with the Value Added Tax. (VAT). This rate probably helped in making Mauritius the 17th most business-friendly country in the world. Higher rate of taxation has the effect of discouraging investment, thereby in increasing unemployment. This strategy seems to have had positive results so far.

##### 9.3 The Year of

#### Reference 5 - 0.01% Coverage

It took the Manager much

tact and patience to educate the workers, to bring them to upgrade their living condition and to devote more time to their families. For some, the freedom of movement during weekends from one island to another was the main source of abuse. As corrective measures, after consultation with the working population, a working week of 45 hours, divided into five days, was reconsidered, and the hours redistributed over 6 working days.

On Saturdays (half-day) and

**Name: References to Resource in Mauritius Report**

<Files\\Mauritius Report> - § 244 references coded [0.74% Coverage]

**Reference 1 - 0.01% Coverage**

means equal opportunity for all.

How do we bring an end to the elusive search for reconciliation and unity? Of course, it must not stop, but a single Commission made up of a handful of Commissioners and a dedicated staff, working for a limited amount of time, with limited resources, cannot on its own find the reconciliation which is so desperately needed in Mauritius's deeply-divided society. Perhaps the TJC's greatest contribution in this regard has been its strong emphasis on the notion that reconciliation is never easy, is never cheap and remains a constant challenge. In our work, we have discovered a few building blocks on which many other institutions, structures and individuals will be

Truth and Justice Commission 14

**Reference 2 - 0.01% Coverage**

AGE PENSION SHOULD BE REVISED

especially for those reaching the age of 70 or more. The present rate of Rs. 3,200, allocated to people without resources, is a cause of extreme poverty, especially for those who do not enjoy any retirement benefits. This rate should be upgraded to Rs. 4,000.

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**Reference 3 - 0.01% Coverage**

amateurs should not remain unchecked.

58. Already such people, who have other sources of income, contribute to strip whatever meagre resources are left in the lagoon and offshore. Proper legislation should regulate their activities, as is the case in many countries.

59. SMALL PLANTERS IN THE

**Reference 4 - 0.01% Coverage**

a scattered pattern of settlements.

135. An efficient management of land resources with a view to achieving economic prosperity, social equity and preserving the natural beauty of the island.

OBSERVATIONS AND RECOMMENDATIONS

There is

**Reference 5 - 0.01% Coverage**

afternoon, on a roster basis.

iii. Medical care is an important issue in Agalega and much has been said thereon. It is true that the population on the islands amount to some 300 persons only. Investment in human resources should not be exaggerated. However, where life is concerned, in order to preserve it, all facilities should be available, regardless of money. The question of maternity is a complex one (Ref statement of Mr. Gino Alfred & Co. on 18/08/10. N0.189) An in-depth study is imperative to see to it. An incentive to increase the birth-rate in Agalega is recommended in the Collective Agreement of November 2009 (Doc. II 4.7.4/5) (Ref. 8.3.9).

iv.

Support from the 'Society

#### Reference 6 - 0.01% Coverage

trends are not a secret

through TV, hairdressing, dressmaking, shoemaking courses could be run by resource persons found on the islands. Those interested can also follow courses in Mauritius (Doc. II 3.9; 4.4.7). These issues are important for the construction of a stable society.

Truth and Justice Commission 40

#### Reference 7 - 0.01% Coverage

his departure from the Commission.

During the first few Commission meetings, a number of actions were planned and policies discussed. The initial plan, proposed by Professor Shell, was implemented as far as it was possible depending on local resources available. In some critical areas, some foreign expertise was sought. These are as follows:

2.1 Communications Policy

1

#### Reference 8 - 0.01% Coverage

society which was emerging.<sup>231</sup>

As with most neglected histories, they come to light only when the criminal records mention them. Thus Delpont, probably the most famous of them all was accused of multiple crimes: receiving stolen goods, encouraging slaves to steal and giving them resources to steal, squatting on 'unconceded' land etc.<sup>232</sup> Despite all this, they did enjoy the benefits that having a whiter skin colour proffered on them. A black skilled worker would never be equal to a white skilled worker in French Mauritius.<sup>233</sup>

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#### Reference 9 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION

labourers were primarily 'transient sojourners' who had come to Mauritius as labourers to work on plantations and would eventually return to their homelands. Therefore, there was no logic or requirement to provide education for them. The more fundamental reason for this slackness towards providing education was the inherent logic of capitalist production system which does not permit any investment for which there was no material return. Since performing menial labour in the cane fields did not require any specific

knowledge, there was no motivation for planters to invest resources in making arrangements for the education of immigrant labourers or their children. Even the missionaries, who were considered to be very active in providing education to the underprivileged classes, somehow did not get involved in the 'mission' of educating the Indian immigrants. Superintendent of Schools, R. H. Walsh, noted this inaction of missionaries in 1859 for which he put the blame on ignorance of missionaries in languages spoken by the Indian immigrants,

He argued for English as

#### Reference 10 - 0.01% Coverage

pigs, goat, fruits and vegetables.

Many Indians had other food resources which they produced themselves, such as milk, poultry, meat and vegetables. The sale of animals brought a substantial increase in their revenue. This trend, which started in the mid 1850s, accelerated in the decades that followed, as Indians moved to set up independent enterprise, as soon as they terminated their contracts with the estates. However, not all estates on the island provided facilities to Indians to keep animals or cultivate gardens. Indians could improve their consumption of vegetables and milk following the morcellement, when they moved to the Indian villages and produced vegetables and reared cows, apart from growing sugar cane (Boodhoo 2010).

Indian diet

Most of the

#### Reference 11 - 0.01% Coverage

lawlessness and drunkenness of apprentices:

"This permission to wander has been most pernicious (never looking to the future when they will be thrown on their own resources, and must depend on their individual industry for the support of themselves and families thereafter)."327

Unlike the situation in the

#### Reference 12 - 0.01% Coverage

cultural; hope does not exist.

A fragmented social identity scatters inner resources and, instead of favouring resilience, it increases sense of loss and despair. Compensating lack of inner resources may take different forms, including overspending. From anthropological studies made in

#### Reference 13 - 0.01% Coverage

generation of fishers to it.

e. Activities of unregistered fishermen and amateurs should not remain unchecked. Already such people who have other sources of income contribute to strip whatever resources are left in the lagoon and off-shore. Proper legislation should regulate their activities, as is the case in many countries.

f. When properly managed by

#### Reference 14 - 0.01% Coverage

would be self-employed.<sup>463</sup>

Chinese businessmen, such as Hayme and Ahine, were very autonomous and resourceful. <sup>464</sup> They engaged in activities that were exclusively done by the Whites. They would import goods in large quantities together with some Chinese labour. Their shops were never out of stock and their prices would defy any competition. <sup>465</sup> Furthermore, the social transformation which occurred in Mauritius from the 1830s, with the liberation of slaves and the arrival of indentured labourers, offered more trade prospects to the Chinese. The Chinese set up their businesses at strategic points and received a type of clientele who "were not readily accepted by the Europeans." In Port Louis, they settled between "le camp des noirs" and "le camp des Malabar"<sup>466</sup> and traded between these two local communities.

Their commerce expanded through rural

#### Reference 15 - 0.01% Coverage

THE TRUTH AND JUSTICE COMMISSION

to eventually help them live a socially acceptable and economically self-sufficient life-style (Ministry of Education & Human Resources, 2011).

The new scheme was aimed

#### Reference 16 - 0.01% Coverage

to use the specialist rooms.

Our conclusion is that, while the PVE Sector was initiated to provide a second chance to those who have failed the C.P.E, very few of the students actually got this second chance. The learning experiences and the assessment proposed to pupils persisted in not drawing from the personal experiences of the children, nor do they relate to their specific learning styles. In short, what is learnt, how it is taught and how it is assessed has not changed much from the Primary School except in a few of the Prevocational Schools. Resources, especially those relating to practical classes, are often not available for children attending prevoc. Many of them complete their three years at PVE without knowing where they will land up; some do end up at NTC Foundation Course, but there is no research available to know what exactly happens to those young people after the few years of post-primary schooling.

Can one speak of Justice

#### Reference 17 - 0.01% Coverage

in so short a time.

The main achievements of modern Mauritius can be listed as follows: the eradication of Malaria; the supply of clean pipe water throughout the island; the control of population growth and introduction of Family Planning methods have led to planned families; improvement of health by an integrated approach of control of Hookworm and Amoebiasis, provision of shoes to school children and boots to labourers and supply of school meals and milk to school children; regionalisation of Health Services and distribution of resources equitably to all parts of the island; introduction of specialised care like cardiology services, neurosurgery, dialysis centres and dental care; the increase in the number of doctors and nurses has led to an easily

accessible health service and visits of foreign teams in cardiac surgery, neurosurgery and renal transplant have greatly helped in the training of local doctors and nurses. Today, complicated cases are being dealt with by local teams.

An increase in life expectancy

#### Reference 18 - 0.01% Coverage

be many volumes per year).

The registers are then put on compartment shelves, and only authorized staffs have access to these registers. Due to an absence of appropriate policy and resources, these documents are not in the best storage conditions and usage. This vacuum further contributes to damage to these unique registers which are almost the only way to prove a person's identity.

On the other hand, indexes

#### Reference 19 - 0.02% Coverage

##### COMMISSION 2.RODRIGUES: SOCIAL CHALLENGES

The Island of Rodrigues faces serious social challenges that require urgent attention of all Rodriguans, and in particular the Rodrigues Regional Assembly. Indeed, as land resources are the major assets of Rodrigues, inappropriate land use contributes to soil erosion and land degradation that affect agricultural productivity and is, therefore, a major factor in food security and poverty. This is a huge responsibility that the RRA cannot downplay, even though the State lands are leased to private individuals for a specific number of years, depending on the purpose of the development project which are approved by the State Lands Committee. Thus, the strategy to be proposed rests heavily on environmental mainstreaming in policy and in key economic sectors. The adoption of a sustainable land resources, solid waste, and coastal zone-management system is viewed as critical in order to successfully transform, in the longrun, the current situation of land degradation, soil loss, and impoverished ecosystems into diverse cultural landscapes of outstanding aesthetic, economic, and ecological value.

Land resources in Rodrigues are affected whenever one or more of the above five components (that is, Agricultural and grazing lands, Forestry & Forest Biodiversity, Management of Caves, Botanical Gardens and Built-up area- settlements etc.) are under threat. Indeed, poor land management has resulted in low economic returns from agriculture. This is due to high soil erosion which is itself a result of bad agricultural and grazing practices; past deforestation; poor building practices (especially the dispersed nature of settlements); steep topography; and high intensity rainfall (rainfall intensities of up to 150 mm per hour is not uncommon). Besides reducing the agricultural potential of the land, soil erosion has affected rivers and dams as well as the lagoons and coral reefs. Soil erosion has also been due to poor building practices. In this respect, Rodrigues has been able to deal with the problems of land squatting with the setting up of a Land Squad under the Environment Unit. However, the problem of scattered housing, due to the dispersed nature of settlements, has lead to the loss of agricultural land, as well as a reduction in the aesthetic appeal of the country side.

There is a total lack of an endorsed framework for land planning and land use on the island as the Planning Development Act 2004 is not applicable to Rodrigues and the National Development Strategy is not statutory to Rodrigues. The RRA needs to endorse a national strategy around which all future planning initiatives will revolve in a transparent manner. There is an absence of a database and unsustainable land management; likewise, there is an absence of detailed information regarding land resources. This lack of

information makes it difficult for the authorities to come up with proper strategies with regards to the environment.

One of the main problems

#### Reference 20 - 0.01% Coverage

enhance their employability.

Support systems

Support systems for disabled persons in Rodrigues exist mainly at the level of NGOs with only a few organisations providing services in this field. Craft Aid is one particularly active organisation. Since 1998, Craft Aid has run a school for persons with visual and hearing impairment. The organisation, which receives support from the European Union, also operates as a workshop that refines and packs honey for export and produces craft products. Honey production is very successful and has been recognised internationally, as evidenced by awards obtained. The organisation's artisanal activities provide training and also employment opportunities for disabled persons. Craft Aid has now become a private company limited by guarantee called CARECO (Rodrigues) Co Ltd. The turnover of the company was Rs 2.4 million in February 2004/2005 with the cost of sales being Rs 0.64 million and Management and Administrative expenses Rs 2.05 million leaving a net loss of Rs 0.35 million. However the company had total assets of Rs 7.65 million, more than 90% of which were property, plant and equipment; most of these have been obtained through donations. Since the company had no debts or loan commitments, its finances can be considered to be stable. At present, 28 disabled persons coming from the whole island are finding full time, paid employment with the company at the Workshop and another 115 disabled bee keepers are using the Resource Centre for their activities. Older children are also learning bee keeping. Fund-raising and donations from abroad are important sources of income.

Notwithstanding the above, there are

#### Reference 21 - 0.01% Coverage

such as SADC and COMESA;

□ There exist a perception of political interference in public administration; □ There is sub-optimal utilisation of human resources in the public service. As well as poor building practices leading to soil erosion;

Tourism □ The low tourist arrivals

#### Reference 22 - 0.01% Coverage

Rodrigues and Mauritius.

Industrial Development

□ Rodrigues remains essentially a natural resource intensive economy subject to the vagaries of nature;

□ Initial conditions and endowments (physical and human resources), which matter for economic development to take place, have remained unfavourable;

□ No major export product or

#### Reference 23 - 0.01% Coverage



little upstream and downstream linkages.

Fishing □ Over-fishing in lagoons; □ Lack of know-how for sustainable exploitation of resources; □ Weak law enforcement; □ Insufficient conservation and management measures applicable to the Banks fisheries; □ Difficulty in re-orientation of artisanal fishers; □ Poor stock assessment; □ Fragmented administration; □ Project-driven approach rather than a holistic work programme developed on a strategic approach; □ No formal fisheries management plans

#### Reference 24 - 0.01% Coverage

and swordfish already heavily exploited.

Water production and resources

□ The whole system of water resources management and development is archaic, unsustainable and inefficient and severely inhibits the development of the Island;  
□ Inappropriateness of the water distribution

#### Reference 25 - 0.01% Coverage

##### THE TRUTH AND JUSTICE COMMISSION

As will be noted from the preliminary categorisation, for example, a large number of complaints were received, involving large plots of land, alleged to have been prescribed or occupied by Sugar Companies. A majority of the complaints emanated from people who, through ignorance or lack of financial resources, have left their ancestral lands undivided or unoccupied. Most such lands have subsequently been appropriated by other parties, including the sugar estates through prescription, wrapping ups, and so on. Other cases refer to litigation among heirs and family conflicts.

It became apparent to the

#### Reference 26 - 0.01% Coverage

this institution to seek redress.

Fraudulent practices, lack of financial resources, ignorance of the law, as well as the inaccessibility to documents and misapplication of the law, and the lack of information concerning land transactions have largely contributed to depriving people of their property.

In this context, the Commission

#### Reference 27 - 0.01% Coverage

land reform and environmental development.

Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meager resource.

When contemplated in a context

#### Reference 28 - 0.01% Coverage

a panacea to land management.

The Land Bank is a Central Land Authority which coordinates within a single institution all the functions and powers presently vested in a number of different corporations, authorities, department and ministries relating to the organization and management, especially in the context of land reform and environmental development. Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meager resource. When contemplated in a context of land scarcity with possible conflicting land use, the Land Bank, if properly formulated by a comprehensive land use policy will ultimately control all forms of land development and will ensure a judicious allocation of lands needed for the island's development. The functions of that agency can inter-alia be summarised thus:-

(1)

(2) (3)

(4) (5)

#### Reference 29 - 0.01% Coverage

prefer to abandon their lands.

Many small planters now have no time, nor enough resources to manage the irrigation of their fields.

#### 6. DISPOSSESSION

The Commission has

#### Reference 30 - 0.01% Coverage

a scattered pattern of settlements.

□ An efficient management of land resources with a view to achieving economic prosperity, social equity and preserving the natural beauty of the island.

#### OBSERVATIONS AND RECOMMENDATIONS

There is

#### Reference 31 - 0.01% Coverage

take the following into consideration:

HUMAN DEVELOPMENT □ Citizens claim they are not fully aware of their rights; □ Rodrigues is not adequately represented at regional organisations such as SADC and COMESA; □ There exist a perception of political interference in public administration; □ There is sub-optimal utilisation of human resources in the public service. As well as Poor building practices leading to soil erosion;

Truth and Justice Commission 359

#### Reference 32 - 0.01% Coverage

Rodrigues and Mauritius.

#### INDUSTRIAL DEVELOPMENT

□ Rodrigues remains essentially a natural resource intensive economy subject to the vagaries of nature;

- Initial conditions and endowments (physical and human resources), which matter for economic development to take place, have remained unfavourable;
- No major export product or

#### Reference 33 - 0.01% Coverage

little upstream and downstream linkages.

FISHING □ Over-fishing in lagoons; □ Lack of know-how for sustainable exploitation of resources; □ Weak law enforcement; □ Insufficient conservation and management measures applicable to the Banks fisheries; □ Difficulty in re-orientation of artisanal fishers; □ Poor stock assessment; □ Fragmented administration;

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#### Reference 34 - 0.01% Coverage

and swordfish already heavily exploited.

#### WATER PRODUCTION AND RESOURCES

- The whole system of water resources management and development is archaic, unsustainable and inefficient and severely inhibits the development of the Island;
- Inappropriateness of the water distribution

#### Reference 35 - 0.01% Coverage

#### 9.CASES OF LAND DISPOSSESSION

From the numerous cases heard before the Commission and significant research carried out, the Commission has come to the conclusion that on a general basis, cases of dispossession often arise because claimants are illiterate, without sufficient financial resources and face the uphill task of collecting the required documents.

In order to tackle any

#### Reference 36 - 0.01% Coverage

results have been rather 'mixed'.

The Education and Human Resources Strategy Plan 2008 – 20203, published in 2009, is a document stressing the Government's firm intention to bring about fundamental reforms in Education. Two key words are: creativity and innovation as the basis of reforms which are essential for meeting the needs of a growing economy. The plan covers all sectors: Pre-Primary, Primary, Secondary, Technical and Vocational and Tertiary. Focus has also been put on major pillars of a good Education System, namely Increased Access, Improved Quality and Morally-Binding Equity.

Achievements in the field of

#### Reference 37 - 0.01% Coverage

and Mauritian history in general.

28. Programme of training of Mauritians in all fields of cultural resources management. 29. Creation of a Conservation Institute

Truth and Justice Commission 397

#### Reference 38 - 0.01% Coverage

cultural theft.

#### B SPECIFIC RECOMMENDATIONS

43. There is an urgent need for trained resources and professional management of Mauritian heritage.

□ The current management of museums

#### Reference 39 - 0.01% Coverage

providing better conditions to employees:

48. There should be a valorisation of technical and scientific staff as they are the appropriate resources to manage heritage places or museums, thus leading to an optimal management of resources and a better management of heritage sites and museums.

49. To create an integrated management system for heritage led by a pool of technicians centralizing all heritage data and ensuring the coherence of projects undertaken for effective results and optimize resource management.

50. To be in line

#### Reference 40 - 0.01% Coverage

as children in our society.

□ Discrimination prevents access to the wide range of resources presently available in our society. Those perceiving/experiencing discrimination must have access, not only to the Ombudsman but also a secondary reporting officer in their own communities.

□ Many descendants of slaves and

#### Reference 41 - 0.01% Coverage

#### THE TRUTH AND JUSTICE COMMISSION

especially for those reaching the age of 70 or more. The present rate of Rs. 3,200, allocated to people without resources, is a cause of extreme poverty, especially for those who do not enjoy any retirement benefits. This rate should be upgraded to Rs. 4,000.

#### CIVIL SERVICE

111. Empowerment of

#### Reference 42 - 0.01% Coverage

amateurs should not remain unchecked.

129. Already such people, who have other sources of income, contribute to strip whatever meagre resources are left in the lagoon and offshore. Proper legislation should regulate their activities, as is the case in many countries.

130. When properly managed by

#### Reference 43 - 0.01% Coverage

spend quality time with children.

□ The absence of extended family, including grandparents, due to nuclearisation of families lives has not worked for the benefit of children. Valuable family and educational resources are lost as a result or for the local community in general.

□ Meritocracy not strictly enforced in

#### Reference 44 - 0.01% Coverage

positive discrimination for 10 years.

152. There should be a thorough and critical survey of resources allocated for education per region.

□ This is apparent in the

#### Reference 45 - 0.01% Coverage

for teachers in these areas.

153. A thorough interrogation of education in less well-resourced areas is also required.

□ Parents in these regions and

#### Reference 46 - 0.01% Coverage

offer stipends for educational purposes.

□ That a programme of Affirmative Action or positive discrimination, in the educational area, be launched in Rodrigues to allow young Rodriguans better access to the latest material and resources. The lack of educational resources in Rodrigues is apparent to all, and a relevant Tertiary College, based on the current urgent needs of Rodriguans, should be set up. Education is the key to progress in Rodrigues but it must be offered on their door-step – not only in Mauritius.

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#### Reference 47 - 0.01% Coverage

historical background.

160. land dispossession

In line with the various United Nations treaties, Government should promote 'effective and democratic land, property and natural resources governance, management and practices' including decisions on access to land, natural resources and property; land and property rights, land use, and land and property development.

It is the duty of

#### Reference 48 - 0.01% Coverage

how it influences the present.

□ Land issues, as well as access to natural resources, including inshore marine resources, strongly influence the ability of local communities to sustain themselves and their quality of life in general.

□ Though praise-worthy and visionary

#### Reference 49 - 0.01% Coverage

well being of their citizens.

□ Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meagre resource.

THE COMMISSION RECOMMENDS: 205. CREATION

#### Reference 50 - 0.01% Coverage

take the following into consideration:

□ Citizens claim they are not fully aware of their rights; □ Rodrigues is not adequately represented at regional organisations such as SADC and COMESA; □ There exist a perception of political interference in public administration; □ There is sub-optimal utilisation of human resources in the public service. As well as poor building practices leading to soil erosion.

TOURISM

□ The low tourist arrivals

#### Reference 51 - 0.01% Coverage

Rodrigues and Mauritius.

INDUSTRIAL DEVELOPMENT

□ Rodrigues remains essentially a natural resource intensive economy subject to the vagaries of nature;

□ Initial conditions and endowments (physical and human resources), which matter for economic development to take place, have remained unfavourable;

□ No major export product or

#### Reference 52 - 0.01% Coverage

upstream and downstream linkages.

FISHING

□ Over-fishing in lagoons; □ Lack of know-how for sustainable exploitation of resources; □ Weak law enforcement; □ Insufficient conservation and management measures applicable to the Banks fisheries; □ Difficulty in re-orientation of artisanal fishers;

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#### Reference 53 - 0.01% Coverage

of semi-industrial fishing boats;

□ Some regional stocks e.g. yellow fin, big eye and swordfish already heavily exploited. WATER PRODUCTION AND RESOURCES

□ The whole system of water resources management and development is archaic, unsustainable and inefficient and severely inhibits the development of the Island;

□ Inappropriateness of the water distribution

#### Reference 54 - 0.01% Coverage

a scattered pattern of settlements.

253. An efficient management of land resources with a view to achieving economic prosperity, social equity and preserving the natural beauty of the island.

Truth and Justice Commission 440

#### Reference 55 - 0.01% Coverage

afternoon, on a roster basis.

iii. Medical care is an important issue in Agalega and much has been said thereon. It is true that the population on the islands amount to some 300 persons only. Investment in human resources should not be exaggerated. However, where life is concerned, in order to preserve it, all facilities should be available, regardless of money. The question of maternity is a complex one (Ref statement of Mr. Gino Alfred & Co. on 18/08/10. N0.189) An in-depth study is imperative to see to it. An incentive to increase the birthrate in Agalega is recommended in the Collective Agreement of November 2009 (Doc. II 4.7.4/5) (Ref. 8.3.9).

iv. Support from the 'Society

#### Reference 56 - 0.01% Coverage

Union Society is very important.

iv. Now that currency is present on the island and that modern trends are not a secret through TV, hairdressing, dressmaking, shoemaking courses could be run by resource persons found on the islands. Those interested can also follow courses in Mauritius (Doc. II 3.9; 4.4.7). These issues are important for the construction of a stable society.

Truth and Justice Commission 446

#### Reference 57 - 0.01% Coverage

colonies. Wilson Anti-Slavery Collection,

(1840) Electronic resource: URL:

<http://www.jstor.org/stable>

#### Reference 58 - 0.01% Coverage

##### 01:02 3. OFFICIAL REPORTS

Annual Reports of the Colony of Mauritius, 1948 – 1966. Central Statistics Office. Housing and Population Census, 2000; Agricultural Digest, 2010 ; . Hooper Commission, 1938. Moody Commission, 1943. Report on the Eastern Inquiry Commission, 1826. Mauritius Research Council, Social Fabric in Mauritius. Phase I 1998. Ministry of Education and Human Resource Education and Human Resources Strategy Plan 2008– 2020, 2009.

Mauritius Employers' Federation (MEF) Survey

#### Reference 59 - 0.01% Coverage

au regard de l'expérience française.

Moutou, Benjamin. Mémoire de fin de stage université de Lempdes Clermont Ferrand. Moutou, Benjamin. An overview of the Fisheries and marine resources of Mauritius, 1995, Ministry of Fisheries.

Moutou, Benjamin. Ile Maurice : Récit

#### Reference 60 - 0.01% Coverage

in British Guiana and Mauritius,

and of the nefarious means by which they were induced to resort to these colonies. Wilson Anti-Slavery Collection, (1840) Electronic resource: URL: <http://www.jstor.org/stable/60227718> Accessed: 05/01/2010 01:02

244 House of Commons, BPP

#### Reference 61 - 0.01% Coverage

in a more dynamic way/

Relationships between culture and management of resources were important to look at. How far were values determinant in the management of the economy? And of knowledge. It was clear that there were different systems of values operating, some more dominant than others. The role of freemasonry in early colonial days and its association with slavery needed to be examined. In particular the cultural values of descendants of slaves and why they cannot integrate in modern economy. Why has this not been discussed?

The short history of Mauritius

#### Reference 62 - 0.01% Coverage

this institution to seek redress.

Fraudulent practices, lack of financial resources, ignorance of the law, as well as the inaccessibility to documents and misapplication of the law, and the lack of information concerning land transactions have largely contributed to depriving people of their property.

In this context, the Commission



#### Reference 63 - 0.01% Coverage

their own faults and negligence.

Instead of joining forces and resources to fight the ones who have dispossessed them of their properties, they have fought among themselves.

Unscrupulous persons, taking advantage of

#### Reference 64 - 0.01% Coverage

and a Republic in 1992.

When first discovered by the Portuguese the Island has no indigenous inhabitants. The Dutch were the first to exploit the Island's resources but they did not plan to settle a colony, so they did not introduce any system of land tenure.

THE FRENCH (1715-1810) Five

#### Reference 65 - 0.01% Coverage

was always in short of

supply of all kinds of goods. The lack of equipment, tools and scanty resources impeded development. In addition, unfavourable climatic Truth and Justice Commission 33

VOLUME 2: LAND REFORM – LEGAL

#### Reference 66 - 0.01% Coverage

sold to the highest bidders.

The Company would then target the exploitation of other resources and establish commercial activities and exportation to Europe, of goods of high economic value like sugar, coffee, cocoa and other similar products and minerals.

In 1726, Pierre Christophe Lenoir

#### Reference 67 - 0.01% Coverage

port was successful, but it

halted the plantations' economic development and diverted resources, particularly slaves to 'entrepôts'. Many planters invested in 'entrepôts' and to make a fortune, they reinvested in the Sugar

Industry under British occupation, when

#### Reference 68 - 0.01% Coverage

REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

be sold by the Colonial Government in the early 1790s. No more than 17 percent of all such sales between 1807 and 1810, for example, were made to free persons of colour. The arpentage in free coloured hands

remained even less than these percentages might otherwise suggest. In 1788, Gens de couleur owned a mere 3.5 percent of all inventoried land in the colony; in 1806, after almost forty years of actively acquiring real estate, free persons of colour held only 7.1 percent of all inventoried land (see Table 1). The size and location of these grants and sales underscore the fact that Mauritian Gens de couleur possessed only limited economic resources at the beginning of the nineteenth century. More than four-fifths of the properties in question encompassed less than one arpent. Approximately two-thirds of these properties were located in Port Louis or Mahébourg where most of these terrains covered no more than several hundred toises, an area large enough only for the erection of a house, workshop or store and the planting of a modest garden. Mauritian Gens de couleur also began to acquire real property during the mid-eighteenth century as gifts and bequests and by private purchase. As noted earlier, the full extent of this activity is impossible to ascertain because many of these transactions were handled *sous seing privé*. On numerous occasions, however, free persons of colour called on notaries to formalize these transactions. The survival of tens of thousands of notarial acts executed by Gens de couleur during this era affords a opportunity to chart the general outlines of free coloured land acquisition and ownership and, equally important, to discern how these men and women mobilized the financial resources they need to acquire and develop ever greater quantities of land over time.

Table 1 FREE COLOURED LAND

#### Reference 69 - 0.01% Coverage

and 1806, the free coloured

population tripled in size. However, population growth was not the only factor that contributed to this development. The notarial records indicate that growing numbers of Gens de couleur ventured into the local real estate market because they possessed the capital resources to do so. The increasing regularity with which these men and women paid the full purchase price for land at the time of a sale's formal completion suggests more specifically that, especially after the 1780s, more and more Gens de couleur controlled greater economic resources and enjoyed a certain degree of financial independence.

Gens de couleur obtained the

#### Reference 70 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

that Baptiste, noir malabar libre, would receive one-half of his estate's produce in return for managing the estate.<sup>13</sup> Rents were another important source of income for individuals such as Marie Louise Eléonore Volatsara, *négresse libre de l'isle de Madagascar*, who acknowledged receipt, on 28 January 1786, of 8,830 livres from Sieur Delaux Verogue on the Ile de Bourbon for the use of her slaves.<sup>14</sup> As the numerous land grants and sales to members of the Pitcha or Pitchen family between 1774 and 1807 attest, Gens de couleur also drew on familial financial resources or capitalized on quasi-familial ties to secure the funds they needed. While cases such as these demonstrate that some Gens de couleur were able to acquire the means that allowed them to purchase land, including extensive tracts in the rural districts, the modest amount of land in free coloured hands in 1806 indicate that the capital resources available to the free coloured population, as a whole, remained rather limited well

into the early nineteenth century

#### Reference 71 - 0.01% Coverage

well

into the early nineteenth

century. Even when Gens de couleur managed to purchase large tracts of land, they were often unable to mobilize the funds they needed to clear their land and bring it fully into production. Their inability to do so stemmed in part from the fact that this population had to rely heavily on its own financial resources for developmental capital. The necessity of doing so is suggested by the fact that thirty-three of the fifty-seven loans involving Gens de couleur mentioned earlier entailed free coloured borrowers going to other Gens de couleur for the money they needed. However, even when Gens de couleur willing and able to loan money could be found, it is apparent that most of these persons had limited capital resources at their disposal. This state of affairs reflected the fact that a great majority of Mauritian Gens de couleur depended on the colony's service sector for their livelihood during the late eighteenth and early nineteenth centuries and that many, if not most, of these individuals possessed little or no property of consequence.

Census data from this era highlight the extent to which a free coloured household's control of financial resources and ability to acquire land depended, at least to a certain extent, on whether the household in question was headed by a man or a woman. Femmes de couleur, who frequently outnumbered Hommes de couleur by a substantial margin, not only acquired a disproportionately small number of the public lands granted or sold to free persons of colour before 1810 but also often received substantially smaller tracts than did free coloured men.<sup>15</sup> The subdivision of the Grande Réserve during the first decade of the nineteenth century graphically illustrates this fact of economic life; only seven of the twenty-four tracts sold to Gens de couleur were purchased by women. Data from the 1825 Plaines Wilhems census confirm that male-headed households probably controlled a disproportionately large percentage of free coloured economic resources in the island's rural districts by the mid-1820s, if not before.<sup>16</sup>

The economic fortunes of Port

#### Reference 72 - 0.01% Coverage

near the land in question.

The ability of ex-apprentices to acquire such properties stemmed in part from the fact that some of these men and women apparently possessed substantial amounts of cash. Exactly how much money ex-apprentices held cannot be determined with any precision, but considerable sums seem to have been involved. The cost of acquiring an adult apprentice's services between 1835 and 1839 ranged from \$200 to \$250, a fact which suggests that the 9,000 apprentices, who reportedly purchased their freedom before emancipation, spent at least \$1,800,000 to do so. The ability of slaves to accumulate sizeable sums of money is attested to in other ways. Commenting on the demise of a short-lived government-backed Savings Bank in 1831, Protector of Slaves R.H. Thomas not only reported the names of a Government slave and a Government apprentice who had funds in the bank, but also acknowledged that slaves who had saved some money were financially astute enough to appreciate that the 12 percent interest they could expect, when their masters held their funds, was far superior to the 5 percent offered by the Savings Bank.<sup>44</sup> The notarial records likewise confirm that individual ex-apprentices possessed, or had access to, significant financial resources. During the first two years of the petit morcellement (1839-40), 75 percent of those who purchased land paid the full purchase price at the time of the sale's formal completion, a figure that rose to 83 percent during 1841-42 and then to more than 90 percent during the remaining years of the petit morcellement.<sup>45</sup>

That some Mauritian apprentices commanded such financial resources comes as no surprise. Many slaves either had skills that could be used to generate income on their own account, or had access to provision

grounds and were able to market their produce. Approximately 40 percent of those purchasing land during the petit morcellement reported their occupation as a craftsman or artisan, while another 20-25 percent engaged in agriculture or described themselves as landowners.<sup>46</sup> The value of this kind of activity remains

#### Reference 73 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

That some Mauritian ex-apprentices had significant financial resources at their disposal may also be inferred from the speculative nature of some early morcellement activity. One of the more striking features of the morcellement process before 1843 is the relatively large number of properties that had been in their owners' hands for only a short period of time before undergoing subdivision. Of the thirty-six properties in the sample under consideration, twelve had been purchased less than a year before the onset of morcellement, while eighteen belonged to their owners for less than a year before subdivision began.

The financial incentives to subdivide

#### Reference 74 - 0.01% Coverage

twenty-five arpents or less.

Although local authorities observed that "many" former apprentices held land by the mid-1840s, any sense of the number who did so cannot be ascertained before 1846. The Census conducted that year reported 2,388 "independent proprietors" among the colony's ex-apprentices who accounted for 4.9 per cent of the total ex-apprentice population and 58 per cent of all such proprietors.<sup>52</sup> Unfortunately, the criteria used to distinguish "independent" proprietors from other landowners were not reported; neither is the use to which these properties were put. The 1851 Census reported that the number of ex-apprentice independent proprietors had declined dramatically, to just 778 individuals who accounted for 1.6 per cent of all ex-apprentices and 24.8 per cent of all such proprietors.<sup>53</sup> Contemporary sources are silent about the reasons for this decline, but there is good reason to believe that it was linked to the limited capital resources at the disposal of many former apprentices and to the severe economic crisis that afflicted the colony after four of the five London banking houses that financed the local sugar industry failed in 1848.<sup>54</sup>

Ex-apprentices disappear as a

#### Reference 75 - 0.01% Coverage

arpents from 1915-18.<sup>66</sup>

As had been the case with the island's free coloured and ex-apprentice residents, Indian immigrants and their descendants financed their purchases of land in various ways including drawing upon personal financial resources. The amount of money held by the immigrant population as a whole cannot be ascertained, but various data indicate that some immigrants controlled

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#### Reference 76 - 0.01% Coverage

##### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

significant cash resources. The Annual Reports of the Government Savings Bank, established in 1837 to encourage "the lower classes of society" to engage in provident financial practices, reveal that the average value of an Indian laborer's savings account between 1851 and 1855 ranged from £18 to £21 (\$90 to \$105) a year and that the total value of such deposits by Indian labourers averaged £11,399 (\$56,995) a year during this period.<sup>67</sup> The fact that an average of 76 per cent of Indian immigrant non-morcellement land purchases between 1840 and 1889 entailed their paying the full purchase price at the time of the sale's formal completion, likewise, suggests that some immigrants had ready access to significant sums of cash, as does the fact that this payment-in-full rate rose to 87.8 per cent for morcellement plots acquired during the 1860s, 1870s, and 1880s.<sup>68</sup>

In other instances, the financing

#### Reference 77 - 0.01% Coverage

on 24 July 1835 Annassamy,

négociant indien, acknowledged receiving a loan of \$20,000 from Rama Tiramoudy, with whom he shared ownership of "Bon Espoir" Estate in Rivière du Rempart.<sup>71</sup> Other Indian merchants subsequently demonstrated that they possessed the capital resources that permitted them to make loans if they chose to do so. Early in 1860, for example, Mylapoor Moonisamy, a merchant and landowner who resided in Port-Louis, loaned \$12,000 to Jean François Chavrimoutou and Tatouvon Maniacara to cover their sugar estate production costs; later that year, Moonisamy advanced another \$6,000 to Chavrimoutou for the same purpose.<sup>72</sup> Fifteen years later, Essack Mamode, a Port-Louis merchant, would advance \$18,400 to four Indian entrepreneurs already involved, or soon to be in estate morcellement.<sup>73</sup>

LAND OWNERSHIP IN CONTEXT AND

#### Reference 78 - 0.01% Coverage

lease, land; the development and

maintenance of personal, business, and other socio-economic relationships with others of the island's inhabitants, both within and across different communities; their willingness to exploit economic opportunities; and the consequences of the island's dependency on sugar as the mainstay of its economy from the mid-1820s until well into the twentieth century. The sugar industry's heavy reliance on domestically-generated capital not only played a crucial role in shaping major developments such as the grand morcellement,<sup>74</sup> but also highlights the extent to which access to investment and working capital and financial services influenced the extent to which the colony's residents were able to acquire, and retain control of, land. Changes in the composition of the colony's "gardener" population during the late 1840s and 1850s illustrate the consequences that could flow from an inability to amass, or have access to, capital resources. More specifically, the notarial records indicate that many of the small plots sold during the petit morcellement remained undeveloped and were subsequently sold to Old Immigrants by their original purchasers because they possessed only limited financial resources, an economic fact of life that left many of these men and women struggling to hold their own during the increasingly difficult economic times that characterized the late 1840s and early 1850s.<sup>75</sup> Access to working capital would be equally crucial to the success of the class of Indian/Indo-Mauritian small planters that came into existence during the late nineteenth and early twentieth centuries as a result of the grand morcellement.<sup>76</sup>

The extent to which access

#### Reference 79 - 0.01% Coverage

planters preferred to abandon lands.

5. Many small planters now have no time, nor enough resources to manage the irrigation of their fields.

RECOMMENDATIONS I.

II. III.

Small

#### Reference 80 - 0.01% Coverage

practice.

RODRIGUES, THE ENVIRONMENTAL CHALLENGES

The Island of Rodrigues faces serious environmental challenges that require urgent attention of all Rodriguans, and in particular the Rodrigues Regional Assembly. Indeed, out of a total land area of some 10,800 hectares, only 1,000 hectares are in private hands, implying that the Rodrigues Regional Assembly is completely responsible for the management of the lands, as land resources are the major assets of Rodrigues. This is a huge responsibility that the RRA cannot downplay, even though the State lands are leased to private individuals for a specific number of years, depending on the purpose of the development projects which are approved by the State Lands Committee. Thus, the strategy to be proposed rests heavily on environmental mainstreaming in policy and in key economic sectors. The adoption of a sustainable land resources, solid waste, and coastal zonemanagement system is viewed as critical in order to transform successfully, in the long-run, the current situation of land degradation, soil loss, and impoverished ecosystems into diverse cultural landscapes of outstanding aesthetic, economic, and ecological value.

In taking into account this general background, it must be underlined that land resources in Rodrigues are affected whenever one

#### Reference 81 - 0.01% Coverage

and unsustainable land management. Likewise,

there is an absence of detailed information regarding land resources. This lack of information makes it difficult for

#### Reference 82 - 0.01% Coverage

University of West Indies, 1990)

There is a strong perception among Mauritians of "inequality" in the distribution of land resources and of dispossession of those who did own land at some point in time.

In Mauritius, land was and is still considered in law as a form of property and during the colonial days as and economic resource. There was no indigenous settlement and so no traditional forms of ownership. Instead there existed ownership by individuals, ownerships by private estates, corporate ownership, by Church and ownership by the State.

Unrecognised in law was the

#### Reference 83 - 0.01% Coverage

abandoned in favour of  
interior

plantations situated in upper parts of the island. The only who survived were those with irrigation facilities or close to water resources.

Mills in the 1820s and

#### Reference 84 - 0.01% Coverage

Commission on the 18th August

2010. He flatly denied the allegations made by the Dumazel family, but acknowledged that he would be paid 40% of the value of the land after retrieval and stated that he was conducting the search entirely from his own resources.

He agreed to return all

#### Reference 85 - 0.01% Coverage

rights associated with it change.

"Land is the most fundamental resource upon which society relies for its very existence. This is the one resource which cannot grow in size unlike any human and other physical resources.

Thus, it is of utmost importance that this resource be

optimized to support economic growth, provide social stability and underpin sustainable resource development in Mauritius". (Hon. Abu Kasenally, Minister of Housing and Lands, 23rd August 2011).

All along, while studying the

#### Reference 86 - 0.01% Coverage

location to claim it". - (R2);

- He explains that his mother had land around St Julien d'Hotman but the land was lost with time. Respondent also explains how in the past, people use to stay on land without having any document to prove their ownership. Some did manage to get their "bordereau" to claim their land. In other cases, the sugar estate owners simply cleared bare or unoccupied lands and planted sugarcane on it. Sur to lack of financial resources, the owners never managed to claim back their lands. - (R3);

- "I know the Tai family

#### Reference 87 - 0.01% Coverage

claim to have lost land.

In most cases, the sugar estate owners have cultivated sugarcane on these lands. Due to lack of education and financial resources, they have not managed to get back their land. According to them, the whites were financially too strong to fight against and justice is too expensive to afford and with growing age the respondents have even grown weaker.

The surface of the land

#### Reference 88 - 0.01% Coverage

land reform and environmental development.

Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meager resource.

When contemplated in a context

#### Reference 89 - 0.01% Coverage

land reform and environmental development.

Land being a scarce commodity, every attempt should be made not to endanger the aspirations of future generations by plundering this meager resource.

When contemplated in a context

#### Reference 90 - 0.01% Coverage

of CASES OF LAND DISPOSSESSION

THE COMMISSION FINDS: From the numerous cases heard before the Commission and significant research carried out, the Commission has come to the conclusion that on a general basis, cases of dispossession often arise because claimants are illiterate, without sufficient financial resources and face the uphill task of collecting the required documents.

In order to tackle any

#### Reference 91 - 0.01% Coverage

its location to claim it.

R3 He explains that his mother had land around St Julien d'Hotman but the land was lost with time. Respondent also explains how in the past, people use to stay on land without having any document to prove their ownership. Some did manage to get their "bordereau" to claim their land. In other cases, the sugar estate owners simply cleared bare or unoccupied lands and planted sugarcane on it. Sur to lack of financial resources, the owners never managed to claim back their lands.

I know the Taï family

#### Reference 92 - 0.01% Coverage

taken the land from them.

9 respondents claim to have lost land. In most cases, the sugar estate owners have cultivated sugarcane on these lands. Due to lack of education and financial resources, they haven't managed to get back their land. According to them, the whites are financially too strong to fight against. It a "David vs Goliath" situation. Justice is too expensive to afford and with growing age the respondents have even grown weaker.

The surface of the land



#### Reference 93 - 0.01% Coverage

social conditions of the residents.

This social survey reconstructs the social evolution of Cité La Mivoie from the perspective of the local population aiming at assessing the local social conditions and identifying the social problems the residents are presently facing in order to make recommendations to address the problems identified and ultimately improve their social conditions. The economic survey focuses on the economic life in the Cité in an attempt to gain a deeper understanding of, firstly, the infrastructural development of the village of Petite Rivière Noire and the Cité, secondly, the occupation patterns in the housing estate during the 20th century, thirdly, the educational patterns within the Cité and finally other economic problems that the local residents are facing. This economic survey reconstructs the economic evolution of Cité La Mivoie from the perspective of the local population and aims at assessing the local economic conditions and identifying the economic problems the residents are presently facing in order to make recommendations to address the problems identified and ultimately improve their economic conditions. Field research concluded that Black River village is at a transitional stage facing a population expansion with the mass influx of human resources as well as economic resources. High population density will in the end cause more economic problems related to security, space and natural and environmental resources.

Albeit, some local inhabitants have

#### Reference 94 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

Their standard of living has depreciated and their conditions are likely to worsen resulting from the scarcity of resources and the high population density. Most inhabitants wish to get out of the current economic system and live a self-sufficient lifestyle as they used to.

Table 4

Population Numbers at

#### Reference 95 - 0.01% Coverage

rooted in socio-economic inequalities.

These ethnic tensions are not only inherent to Cité La Mivoie. They are present in other regions of Mauritius. However, in a closed system these tensions are intensified by competition for resources. Scarcity of resources; natural, economic and cultural resources exacerbate minority-majority tensions.

Furthermore, they share the same

#### Reference 96 - 0.01% Coverage

vicious cycle of domestic violence.

The main barriers are: (i) lack of financial means and affordable housing facilities, (ii) fear of loneliness and violent reprisal, (iii) limited access to resources, training and education for women; (iv) children and (v) fear of social stigma.

...La zot pou, petet seki

#### Reference 97 - 0.01% Coverage

Vol. I, Port Louis. Mauritius

Poor sanitation is a health hazard. Open defecation and poor access to clean water are an affront to human dignity in modern Mauritius and should be eliminated. Changes in people's behaviour and elimination of bad sanitary practices can be achieved with the required education combined with political will and mobilisation of civil society and of resources.

4.10 LAND Property ownership

#### Reference 98 - 0.01% Coverage

4.10 LAND Property ownership

Under Section 28 of the CHA Ordinance, 1960, people whose houses were damaged or destroyed by a cyclone could either buy or rent a CHA house or benefit from financial facilities provided by the Authority as long as the applicant satisfied all the eligibility conditions for assistance such as that the person annual income did not exceed 10,000 rupees and did not have sufficient financial resources to build a house of the CHA type. He had however to provide evidence of ability to pay the monthly charges.

Even though the CHA provided

#### Reference 99 - 0.01% Coverage

Quan (2006, p.3) stated:

...Land is a capital asset offering opportunities for social and economic empowerment and thereby a springboard from which to escape from poverty. Secure rights to land are a basis for shelter, for access to services and for civic and political participation; they can also provide a source of financial security furnishing collateral to raise credit, as a transferable asset which can be sold, rented out... mortgaged, loaned or bequeathed. Moreover secure access to land creates incentives for the user to invest labour and other resources in it so as to maintain its value and sustain its productivity, and allow the user access to social and economic development opportunities.

In line with Carter (cited in Quan 2006, p.2003) 'equitable land access forms a sine qua non with up-ward social mobility, wealth creation, equitable wealth distribution and improvement of standard of living. There is a positive correlation between poverty reduction and land access as well as enjoyment of full rights of property ownership. They benefit household income gains, food security and serve as a safety net with investment effects whereby land assets provide a buffer against external shocks and frees up resources for investment e.g. in children's education; and the dynamic income distribution effects of more equitable land distribution across society.'

The low-income earners and

#### Reference 100 - 0.01% Coverage

and environmental sustainability.

- Land Dispossession

In line with the various United Nations treaties, government should promote 'effective and democratic land, property and natural resources governance, management and practices' including decisions on access to land, natural resources and property; land and property rights, land use, and land and property

development. It is the duty of the government to support the increasing number of citizens who do not have access to land and adequate shelter and since market forces will not naturally alleviate the situation land reforms should be proposed to reduce the structural inequalities and longer term measures for housing and land and property rights need to be put in place to support social stability.<sup>121</sup>

For example, FIG–World Bank

#### Reference 101 - 0.01% Coverage

in Support of the Millennium

Development Goals clearly spells out that sustainable land governance should provide transparent and easy access to land for all and thereby reduce poverty, avoid land grabbing and the attached social and economic consequences, safeguard the environment, cultural heritage and the use of natural resources; guarantee good, transparent, affordable and gender responsive governance of land for the benefit of all including the most vulnerable groups; apply a land policy that is integrated into social and economic development policy frameworks; address the challenges of climate change and related consequences of natural disasters, food shortage, etc.; and recognise the trend of rapid urbanisation as a major challenge to sustain future living and livelihoods.<sup>122</sup>

Furthermore, the Istanbul Declaration on

#### Reference 102 - 0.01% Coverage

the detriment of our environment.

The development strategy adopted by the local government demonstrates that capitalism is incompatible with sustainable development and ecological development. The development project of La Balise Marina is much contested because it is located on the estuary that, in line with Ramsar Convention for the protection of wetland resources that Mauritius also ratified in 2001, should be preserved. The Fisheries and Marine Resources Act 1998 as well declared wetland as protected marine zone.

A petition was signed by approximately 35 women to protest against this project that violates government commitment to protect and preserve local biodiversity such as the Convention on Biological Diversity for the Conservation of biological diversity ratified in 1992 and The Stockholm Declaration at the UN Conference on the Human Environment that stipulates that natural resources of the earth, including the air, water, land, flora, fauna and especially representative ecosystems should be preserved.

Recommendations: Infrastructure

Dr. Y. Cantin

#### Reference 103 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

Based on the premise that the livelihoods of people without access, or with very limited access to natural resources are vulnerable because they face difficulties in obtaining food, accumulating other assets, and recuperating after natural or market shocks or misfortunes<sup>172</sup>, sustainable livelihood approaches should be considered that would give vulnerable group access to different natural resources.

It implies developing Livelihood Support Programmes (LSP) to promote integrated sustainable livelihood as sustainable poverty alleviation strategy. It involves allowing access by the poor to natural resources

including land for pasture, farming and agriculture and water. In times of crisis, the dictum that 'work is a necessity linked to the survival of the human species' makes sense.  
Even though, in such instances

#### Reference 104 - 0.01% Coverage

age to 18 years old.  
More funds and resources should be allocated to ZEP schools and to remedy the victimisation and vulnerability of the children living in the Cité,  
The state has a legal

#### Reference 105 - 0.01% Coverage

MIVOIE 6. CONCLUSION AND RECOMMENDATIONS  
Black River village is at a transitional stage facing a population expansion with the mass influx of human resources as well as economic resources. High population density will in the end cause, as mentioned in the report, more problems related to security, space and natural and environmental resources. Some local inhabitants have seen an improvement in their standard of living and there is a situation of quasi-full employment in Cité La Mivoie, yet, this pseudo development does not benefit everyone. The residents of Cité La Mivoie are facing the negative effects of these developmental projects.  
Based on the United Development

#### Reference 106 - 0.01% Coverage

control land and property speculation'.  
As stated in the report, they are facing forced de-localisation; they are denied access to land, safe shelter and natural resources. In addition, they have to bear the plight of price inflation and sociocultural changes. The rise in land prices rule out the possibility for the working poor and the low-income earners to own land and a house and it consequently exacerbates the precarious housing conditions in the Cité.  
The cultural clashes are negatively

#### Reference 107 - 0.01% Coverage

Millennium Development Goals  
Land Dispossession  
Promote 'effective and democratic land, property and natural resources governance, management and practices'  
Support the increasing number of

#### Reference 108 - 0.01% Coverage

points are worth further exploration.

It would appear that whether on an individual, or community level, those burying the dead were not without means. The coffins themselves, although certainly not exemplary are far from being rudimentary examples. While it must be remembered that a death and subsequent burial are social occasions that draw on community strength and resources, and that craftsmanship (for constructing coffins for example) could well be provided for a minimal cost basis, nonetheless, we should not ignore the fact the evidence points to products of reasonably good quality. Furthermore, the almost ubiquitous recovery of mother-of-pearl buttons, from infant and adult burials alike, suggests that bodies were not simply interred in a shroud, but in cloths of some finery.

At least for some of

#### Reference 109 - 0.01% Coverage

#### 2 DISCUSSION OF ISOTOPIC ANALYSIS

The human bone collagen isotope results suggest that the protein component of the analysed individuals' diets during the last years of life were based upon a mixture of C3 (i.e. wheat) and C4 (i.e. maize) resources. The two outlying individuals (grave 25, a 3 to 4 year old child; and grave 33/U, a 25 to 30 years old probable female) consumed a diet with a higher proportion of C4-derived

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#### Reference 110 - 0.01% Coverage

the diet (grave 33/L).

Two edible C4 plants are known, historically, to have been available to the people of Mauritius – sugar cane and maize (Allen 1999). There is no historical evidence for the importation of the other African C4 staple plants, sorghum, finger millet and pearl millet, to Mauritius. Given the low protein content of sugar cane, and that it was produced for export, it is likely that the C4 signal seen in the bone collagen isotope values reflects either the consumption of maize or the indirect consumption of C4 resources via animal protein. The tooth enamel carbon isotope results show a human diet that included varying amounts of maize and/or sugar cane at least during childhood. Given the abundant coastal / sea resources, as well as produce such as sweet potato, it is likely that these formed part of the diet also.

The difference in range of

#### Reference 111 - 0.01% Coverage

move to the camp.<sup>14</sup>

Most had lived on estate camps and gradually moved out to the villages. Living on a camp was a sign of poverty – those who were poor and could not afford lived on camps and there was a sense of accomplishment in building one's own house.<sup>15</sup> However, there was also some nostalgia for camp life. It had several advantages: wood was obtained for cooking, grass for animals etc.<sup>16</sup> Most importantly, living near one's place of work saved much time, effort and resources and made life easier and more pleasant. However, the camp houses were not available for all the labourers and those who owned houses were not given one, even if they wanted to stay on camps.<sup>17</sup>

For women particularly, marriage had

#### Reference 112 - 0.01% Coverage

estate camp or vice versa.

Living conditions were not very good; houses were made of straw; there was no electricity and sanitation was poor. The most critical aspect was that these conditions had a significant impact on the hygiene and health conditions of the population. There was a lack of clean water supply and toilets and in this, there was not much difference between camps and villages. Several camps and villages had no water supply and the residents had to take water from natural sources like wells, lakes or the river, and even the sea. Even for those which had water supply, this was very inadequate – one tap for the entire camp – people were filling water even at midnight or very early in the morning. 18 In those camps and villages which did not have the tap water, the residents often had to travel far away to fetch water from some natural resource.<sup>19</sup> This limited the availability of water for cleaning etc.<sup>20</sup> The quality of the water was also a matter of concern because several reports and documents mention the fact that people were using the same source of water for washing clothes, utensils, and then collecting it for cooking and drinking.

Another matter of concern was

#### Reference 113 - 0.01% Coverage

on the sugar mill.<sup>26</sup>

For women, the level of education was very low. Only one respondent went up to standard VI, one up to standard IV and a few up to standard III and it had no links with the educational levels of the parents as R/272 points out.<sup>27</sup> Even in the informal institutions of instruction (like Madarsa or Maktab) and Baithka (or temples) their presence was very low, depriving them of almost all the advantages of education. Some of them could not go because there were no schools nearby, or had no proper dress; or had to drop out because of a lack of resources or some casualty like the death of the father or mother. But for many of them, it was the parental/ societal perception that 'it was not required for the girls to go to school because their place was at home' and general apathy that deprived them of education. In some cases, it was also opposed to maintaining control over girls' activities: 'if the girls are educated, they will write letters to boys' and therefore it was not good for them to go to school.<sup>28</sup> In several cases, male siblings went to school but girls were not allowed to go to school. It is interesting to note that these patriarchal/moralistic stereotypes were not limited to one ethnic community or only to Indic religions – respondents from Hindu, Tamil, Muslim and Christian all thought alike on the matter of depriving the girls of education.<sup>29</sup>

A closer look at the

#### Reference 114 - 0.01% Coverage

of hookworm disease in Mauritius.

The important question that remains is what set of factors and at roughly what point in time did these changes conspire to diminish the severity of hookworm disease in Mauritius. I have already alluded to what some of those factors may be. They include not only general improvements in healthcare but also the increasing use of footwear by the wider Mauritian population and of course the construction of more wooden and concrete homes. Looking around Mauritius today, one struggles to find any evidence of thatch and straw huts with earthen floors, and the elderly sugar estate workers who were interviewed by the AGTF's research assistants, all point to Cyclone Carol in 1960 as being a key turning point in terms of the shift from non-concrete to concrete housing. What we can be certain of, however, is that these changes and the

marked improvement in the living standards of the Mauritian population over the course of the twentieth century have not been brought about as a result of working in the sugar industry alone. Much remains to be done in order to properly understand patterns of urban settlement and development in Mauritius, but perhaps one of the most outstanding achievements its citizens can claim is their ability to persevere and lift themselves up by their own bootstraps. This is ably documented in Benedict's ethnography, which describes how resourceful villagers and estate camp inhabitants were in terms of their ability to transform agricultural and natural products into sources of income. And of course, one must not forget the high rates of home ownership in Mauritius and in particular how widespread concrete housing is for a developing island nation. Even though many of the elderly sugar estate workers

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#### Reference 115 - 0.01% Coverage

##### SOCIAL CONDITIONS OF DESCENDANTS ACKNOWLEDGMENTS

There are many people I have to thank for helping me to research this report. Firstly, I would like to thank my research assistants at the Truth and Justice Commission who helped to summarize the many interviews of elderly sugar estate workers. They include Riteshwaree Chacoory, Alvina Gopaulen, Smita Gya, Ramchurn Seetul, Karimullah Yasiin, Sooben Pamela, and Trivita Devi Mathoora. Without their assistance, it would have been extremely difficult to make sense of the vast amount of data contained in these interviews. The discussions I had with the research assistants who originally collected the interviews, Stephan Karghoo and Christelle Miao Foh, as well as Vickram Mugon, were also extremely helpful and helped me to see another side to the interviews and some of the complexities of Mauritian society. Vijaya Teelock's assistance was also indispensable, as throughout she has provided me with helpful guidance and ensured that all the resources I required to carry out my work were available to me. And indeed without Vijaya's foresight, the oral testimonies of the elderly sugar estate workers discussed here would never have been collected in the first place. Similarly, I would like to thank Satyendra Peerthum for helping me to track down the information I needed for writing this report, and the extent of his knowledge of Mauritian history, which proved very helpful in terms of putting things into perspective. Corinne Forest has also been extremely helpful, and has always shown a keen interest and preparedness to offer a listening ear and to discuss the issues I was researching. I would also like to thank Mr. Revanand Ramjuttun, the secretary of the Sugar Industry Labourer's Union, and the Permanent Assistant Secretary of the Ministry of Labour, Industrials Relations and Employment, Mr. Seebaluck, who allowed me to make copies of the department's annual reports. Lastly, I must thank the staff at the National Library and National Archives in Mauritius who helped me to track down many of the documents I required for my research.

REFERENCES PRIMARY SOURCES Aapravasi Ghat

#### Reference 116 - 0.01% Coverage

de lait (Eng. trans. Tin).

They were aware of their environmental and natural resources and the importance to preserve resources for future generations. Hence, they were cautious not to waste food and other resources, and of the dangers of overconsumption.

However, it should be stressed

#### Reference 117 - 0.01% Coverage

But, on the other hand,

Rodrigues is disadvantaged because its people are largely 'Creole' – hence descendants of slaves. Would a predominantly Indo-Mauritian island be allowed to lack such basic educational resources and infrastructures? Some kind of reverse discrimination, or affirmative action, is therefore called for, if we are to give Rodriguan youths the same opportunities – educational, cultural, social and political – as Mauritian youths. Perhaps, therein lies a microcosmic image of a 'Coloured' and 'Creole' community through the ages; in Rodrigues, one finds the tangible impact of a society that can become neglected, because of its isolation, because of its origins and because it does not clamour loudly enough. Hence, one of our recommendations, which should also be one of the most urgent pleas of the Truth and Justice Commission, is that Rodrigues should be made a special case for positive discrimination, in terms of funding for education (at primary, secondary and tertiary levels). In connection with Rodrigues, too, interviewees suggested that the island's history be reevaluated and re-written so that young people might be given a more authentic picture of their past, and that this be put in a truly culturally Creole context.

Education appears to many people

#### Reference 118 - 0.01% Coverage

sell their lands to the

Indo-Mauritians, because of insufficient resources to sustain sugar cane plantation and processing. 202

Every group invested in 'economic

#### Reference 119 - 0.01% Coverage

the Whites were also conditioned

by their relationship with the other groups of the Mauritian plural society. During the slavery system (1766-1834), when the common 'enemy' of both the Whites and 'Libres de couleur' was the slave group (suspected of potential uprising and 'marronnage'), the two groups were political allies. But with the development of the sugar mono-culture (1825), leading to fierce competition over capital and resources, the Whites entered into political, matrimonial and financial alliances with the British, who were purveyors of capital.

220 Conversely, the 'Coloured people'

#### Reference 120 - 0.01% Coverage

Campagne' often appear more conscious,

Mauritian counterparts at secondary level, because of a scarcity of resources, facilities, equipment and funds. nowadays, of the importance of

#### Reference 121 - 0.01% Coverage

of various communities in Mauritius.

6. That a programme of Affirmative Action or positive discrimination, in the educational area, be launched in Rodrigues to allow young Rodriguans better access to the latest material and resources. The lack of



educational resources in Rodrigues is apparent to all, and a relevant Tertiary College, based on the current urgent needs of Rodriguans, should be set up.

Education is the key to

#### Reference 122 - 0.01% Coverage

deeply racialised such as Mauritius.

The following discussion on race, as diversely conceptualised and experienced, has been instrumental or important in our theorising and framing of 'race' as discursive. As noted previously, this means that race is not a fixed concept only deployed by those believed to be in power. It is also a term that is also used and deployed by those who outwardly do not appear to have power or resources. The use of the term among those oppressed means that racism can also be perpetuated by the victims of racism. This is part of the vicious cycle of racism, as it does not always require the presence and actions of the powerful in order for racism to survive and persist from one generation to the next.

Furthermore, it is our view

#### Reference 123 - 0.01% Coverage

and tropical climate of Africa.

Craniometry, the measuring of brain volume, for example, was yet another important means of establishing racial hierarchy. This 'science' was used to determine the intellectual capabilities of the identified races. For, it was believed that brain volume (which is what craniometry measures) was indicative of intelligence (Montagu 1999). Thus, if it could be proved that blacks had a smaller brain volume than whites, such a finding could be used to further justify white control of resources and the management of the emerging economy.

The results were, according to

#### Reference 124 - 0.01% Coverage

discuss and seek ways descendants.

Our interest lies in the social and political legacy of these inequalities. One finds that in Mauritius in which there was the experience of slavery, those at the bottom of the socioeconomic ladder today are also those who do not possess the means of production. They rarely have access to land, equipment and other vital material resources. Instead they are inserted into the economy as labourers and workers. Their 'race' is used to justify and perpetuate their oppression. The maintenance of this group at the margins of the society serves a double purpose. It reaffirms discourses of superiority and inferiority and it maintains the capitalist system, which relies on an oppressed working class to generate profits.

'Beneath' this group is yet

#### Reference 125 - 0.01% Coverage

racial exclusion and/or racism.

Furthermore there is evidence of the combination of racism and class differentiation. As Mauritius becomes a more prosperous society, those who are the poorest in our society and have least control over the

country's resources are increasingly those who are of darker complexion and report experiences of racial discrimination.

In Maylam's discussion on racism

#### Reference 126 - 0.01% Coverage

religious/ethnic composition of Mauritius.

At the end of three months fieldwork, 80 interviews had been conducted, including 10 informal interviews, of both men and women aged 18 years old and above. The interview sample included also some main socio-economic actors who consented to participate in the research. Namely, the Human Resource Managers of the British American Investment Group and the Food and Allied Group, the President of La Sentinelle Ltd. and of the Mauritius Employment Federation and the Chief Executive Officer of the Corporate Social Responsibility Programme.

Informal interviews were also conducted with the Human Resource Manager of the Beachcomber Group and ABC Motors Group and also with the Attorney General.

However, the policy-makers that

#### Reference 127 - 0.01% Coverage

produit dans le pays...'44

(Eng. Trans.:...In Mauritius communalism is a nice word for not saying racist. In fact I speak rather of racism than communalism. For me Mauritius is mostly racist...what communalism means in politics? It means that this party will favour this community, it is obvious and I refer to the Labour Party, (it) continues to say that the country belongs to the Hindu and hence it favours the Hindu, the PMSD says it favours the Creoles in the MMM it has never been the practised...it is what some journalists named scientific communalism and I do not like this term because when we say scientific communalism it might remind Nazi theories, it might remind ethnic groups, it might recall appalling things. In fact there is what we might name a real will, a real politics of what we might call 'quota' that is each community has to get in numeric proportion a share of the wealth and resources of what is produced in the country (Gross National Product...).

The research also revealed some

#### Reference 128 - 0.01% Coverage

the Mauritius Employment Federation (MEF).

Another reason put forward by organisations for favouring expatriates is the lack of qualified personnel. For example, Mr. Ramesh, Consultant in Human Resource Management of British American Investment justified the recruitment of expatriates at management level by the lack of qualified and experienced Mauritians, especially in Human Resource Management. Hence, that is why they recruited a South African woman (who cannot speak French nor Kreol) who is not familiar with the Mauritian

historical, social, cultural and historical specificities as Human Resource Manager. '...je dirais que nous cherchons à avoir des affinités c'est n'ai pas

forcement...quelqu'un d'une religion vers

#### Reference 129 - 0.01% Coverage

more and that is good...)

Mr. Ramesh statement was supported by Mrs. Jackie Demetriou, Human Resource Manager of British American Investment who declared:

...I believe that most companies

#### Reference 130 - 0.01% Coverage

descendents are in the majority.

That financial reparation is provided to individual families of Creole and African descent. We feel that this should take the form of investments in important shares and resources, so that this community and its descendents are better able to create a more stable social and economic existence going into the future. While we recognise that Indian indentured labour

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#### Reference 131 - 0.01% Coverage

and its legacy more enduring.

That a system and policy of affirmative action be implemented in Mauritius to address the social and economic imbalances created and fostered under slavery, indenture and colonialism. This system and policy of affirmative action must take into account that slave descendants in particular have been discriminated against in employment, access to land and a range of resources (including for example, bank loans). In the first instance, women of slave and indentured descent should benefit from this system of affirmative action. While it is acknowledged that it is presently difficult to define who is a slave/indentured labour descendant, policy-makers (and Government) should ensure that positive discrimination occurs. This might also require a moratorium on the employment of White and Males for a specified period of years.

4.

There should be a

#### Reference 132 - 0.01% Coverage

their own political careers.

7.

There should be a thorough and critical survey of resources allocated for Education per region. At present, the areas mostly inhabited by slave descendants and members of the lower caste are receiving less investment. This

is apparent in the South

#### Reference 133 - 0.01% Coverage

teachers in these areas.

8.

A thorough interrogation of Education in less well-resourced areas is also required. Parents in these regions and communities must be supported in their efforts to educate their children. Where necessary, child support grants must be instituted so as offer stipends for educational purposes.

9.

A thorough revision of

#### Reference 134 - 0.01% Coverage

in our public sphere. Discrimination

prevents access to the wide range of resources presently available in our society. Those perceiving/experiencing discrimination must have access, not only to the Ombudsman, but also a secondary reporting officer in their own communities.

12. 13.

Provision should also

#### Reference 135 - 0.01% Coverage

are more political than religious

- Contrary to the Indian caste system that can still be described as mainly religious, the caste system in Mauritius appears essentially political. It is one in many identity criteria that can be mobilized to claim recognition, national resources or separation from a "national" history.

- Most examples of discrimination on

#### Reference 136 - 0.01% Coverage

may illustrate such a dilemma.

We argue, partly following OddvarHollup (1994:297), that, more than an overall disintegration of caste, «caste differences among overseas Indians came to be understood differently in terms of content and meaning ». Caste associations, for example, are conceived and manipulated as interest groups lobbying for political purposes. Behind caste identity, one finds a potential lever for pressure groups in order to have access to national resources. As the Mauritian State helps neutrally all religions, and funds equally the so-called "socio-cultural associations", the risk (already verified) is to encourage a blossoming of many such associations whose goal will be mainly to capture part of the State resources. The descendants of Indian indentured labourers have already split between Muslims and Hindus, then Hindus split between Bhojpuri (so-called "Hindus" in Mauritius) and Tamils. Tamils are being more and more separated from Telugus. Inside Hindus, Arya Samajists and Sanatanists still represent two different and sometimes (according to the context) opposed communities.

No need to go further

#### Reference 137 - 0.01% Coverage

none of them are Brahmins.

This means that castes are a potentially powerful criterion for going on claiming an ever more specific identity, always separated from the "other", and thus a potentially useful criterion for claiming right to State resources.

One of the most efficient

#### Reference 138 - 0.01% Coverage

national social programs: Welfare State

The Welfare State is probably one of the main obstacles to communalism. Communalism can be seen as motivated by a desire to differentiate oneself from the other in order to capture scarce national resources. As a perverse result, much government funds are devoted to these blossoming communalist organizations. The overall logic should be reversed, through implementing national (regardless of each beneficiary's community) social programs concerning health or education, for instance.

Ultra-liberal policies harden the

#### Reference 139 - 0.01% Coverage

ills associated with the community.

Because of serious lack of information in this sector, this report will focus mainly on some psychosocial dynamics that impede mobilization of resources, both at individual and group level for people of "pure" or mixed African and Malagasy origin to gain access to a meaningful position within the Mauritian society.

The complexity of inter-relationships

#### Reference 140 - 0.01% Coverage

and Senior Executive Officer group.

- Likewise, they are more than other communities in the above Rs. 15,000 salary group – High administrative level in the Public Service Commission, Finance, Judicial, Agriculture and Natural Resources, Ministry of Works and Internal Communications, Police and Telecom.<sup>8</sup> These would belong to the General Population elite "Gens de Couleur" or Franco-Mauritian

- Hindus, Muslims and Chinese are

#### Reference 141 - 0.01% Coverage

GP

M F Corporate Department

Administrative & Legal Services Human Resources

Finance Department

Internal Audit Department

#### Reference 142 - 0.01% Coverage

Absolute and Relative poverty line

The Republic of Mauritius does not have a national poverty line "minimum vital type", i.e. the cost of resources minimum to maintain a minimal standard of living. More than income-based poverty, taking into account adjustments for household size and composition, consumption expenditure is usually used, giving an indication of a poverty line incorporating basic needs.

The use of World Bank

#### Reference 143 - 0.01% Coverage

##### Interpretations 4.2.1 Housing

Historical conditions to land access in 1872 for the Indian indentured labourers by the Royal Commission have been a major factor in the setting up of housing plans for individuals as well as the community, pulling together resources for long term goals. Lack of economic opportunities offered to "ex-apprentices" from the slave population as well as absence of provision for them as far as land was concerned have contributed to "nomadism", transitory dwellings according to job opportunities

#### Reference 144 - 0.01% Coverage

à la parole » (Confiant, 1995)

- Dislocation of families, " more a group of life shards strung together" (See further in the report), lack of space and promiscuity, emotional and financial insecurity have a direct impact on the value attached to children, valued when economically active or when contributing to family resources through care of children or help in households.

The

environment at large (family

#### Reference 145 - 0.01% Coverage

self, past, present and future.

The relationship to space and time has to be structured since early childhood and is done through many socializations processes, which are transmitted from generations to generations. When the past does not form part of history, when "lineage" cannot exist, projection in the future is blocked and the present overwhelms all our perceptions. Strategies cannot be set up, especially when in the absence of assets, financial and cultural, hope does not exist. Material conditions together with symbolic resources such self esteem and sense of belonging to a group socially valued help individuals to position themselves in a favourable social comparison ( Tajfel, \*)

Truth and Justice Commission 700

#### Reference 146 - 0.01% Coverage

##### SCAR OF SLAVERY ON DESCENDANTS

A fragmented social identity scatters inner resources and, instead of favoring resilience, increases sense of loss and despair. Compensating lack of inner resources may take different forms from overspending and incapacity to make budget / provisions for the future to "amizé, boire"<sup>22</sup>

#### 4.2.5 Mental Health

##### Reference 147 - 0.01% Coverage

bulk of slave descendants, more

importantly, economic competition after 1835 between «ex-engagés» and «ex-apprentis» left the latter in a marginalized situation since the colonial policies did not provide any form of training and access to land was denied to them. Competition is therefore set both within the community and among other communities, in a situation when “ex-apprentices” have to survive without hardly any asset. We know from conflict theories that competition for restricted resources accentuates categorization and social conflicts, giving rise both to negative discrimination towards more fragile groups and favoritism to members of one’s group.

We have to study more

##### Reference 148 - 0.01% Coverage

the positioning of all parties.

In the case of Chagossians, Agaleans and Rodriguans, the common denominator is the struggle against what is perceived as structural domination to obtain access for better economic, social and political recognition. This is especially true in the case of the forced exile of Chagossians. In fighting exists but the sense of belonging, especially among uprooted or migrant communities on the island of Mauritius, helps to reduce cognitive dissonance and enables inner energies to focus on structural issues. Ilois and Rodriguan cultures present a positive rural identity as response to negative stereotyping (rural upbringing, social conservatism, traditional behaviours and attitudes, authentic values, alternative way of living and healing). Even if poverty exists and may be more vicious than on Mauritius, descendants refer less to the traumatic past of slavery. Theirs are histories with less social rivalry, negative discrimination, social comparisons pertaining to leadership, collective resources and upward social mobility

strategies with reference to Indian

##### Reference 149 - 0.01% Coverage

Missing fathers and lone mothers

Hegemonic forces of the slavery system, colonisation and post 1835 work policies affected slave descendant males more negatively through isolation and fewer resources to contribute positively to the acquisition of a respected status.

A man’s identity is, in

##### Reference 150 - 0.01% Coverage

the whole of Mauritian society.

The second one, more specific to slave descendants, lies in the interplay of six factors: 1) A history of enslavement, servitude and oppression; 2) Demographic composition; 3) Economic positioning and intensifying competition with other communities; 4) Racial prejudice and discrimination; 5) Resources,

internal structure, dynamics and leadership of the community itself, and 6) Capacity for self-determination and self-empowerment.

## 7. Recommendations for Empowering Mauritian

### Reference 151 - 0.02% Coverage

psychological impact of slavery -----	740
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Prevocational Sector in Mauritius: A case of more Justice or continued Injustice	
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6.1 The Nature	

### Reference 152 - 0.01% Coverage

middle-class values and ethos.

resources and, in some cases, lost Truth and Justice Commission 728

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### Reference 153 - 0.01% Coverage

at all, for equitable outcomes.



The debate on 'reparations' is a complex and a rather ethnicised one. Some segments of Mauritian society believe that the descendants of slaves have enough privileges and resources from the State and that there is no need for more, while others are of the view that the legacy of slavery is such that it demands reparation. Without the latter, peace and reconciliation will be threatened.

The methodology adopted for the

#### Reference 154 - 0.01% Coverage

shows how despite the fact

that more resources have been pumped into the educational sector, the latter remains highly inequitable. Those who are most hit are the children of the disadvantaged groups, made up largely of children of Creole background. The chapter also examines the reasons behind the high rates of failure amongst the Creole children and thereby shows the articulations between their slave past and their contemporary plight.

Chapter six is the Case

#### Reference 155 - 0.01% Coverage

depended on a large number

of factors. Nevertheless, in post-Independence Mauritius, and the democratization of access to education, inequalities were revealed and even consolidated. Although poor children of indentured labourers also suffer from the system, the situation has developed in such a way that it is mainly generations of Creole children who have been, and still are, the victims of a series of decisions which go back to the slave period where the policy was to provide no education, and even enforce illiteracy as a means of control. The lack of economic resources and of political power, as well as their marginalization, caused by persistent social injustice, have disempowered Creoles even more, preventing them from achieving upward mobility.

The democratization of access to

#### Reference 156 - 0.01% Coverage

National Plan (1971–1975 Plan)

of politically 'decolonised' Mauritius and the most recent Plan called '2008 – 2020 Education and Human Resources Strategy Plan'. It argues that, while increasing levels of resources have been pumped into the education sector in the post-Independence years, (with emphasis on infrastructures and access), very little has been effectively done to turn Mauritius

into an

equitable, inclusive, sustainable

#### Reference 157 - 0.01% Coverage

four year-Plan: The most

important resource of Mauritius is its manpower. A well-motivated force possessing the requisite mental and

#### Reference 158 - 0.01% Coverage

1975 and 2010. These include:

- Master Plan of Education of 1991; • The Action Plan of Mauritius of 1998; • The Education Reforms, 2001-2005; • The Education and Human Resources Strategy Plan, 2008-2020.

Between the first post-Independence

#### Reference 159 - 0.01% Coverage

in Educational Reform (Bissoondoyal, 2011).

5.3 The 2008-2020 Education and Human Resources Strategy Plan The strategic goals of the 2008–2020 Plan include the following:

- Improve completion rate at upper

#### Reference 160 - 0.01% Coverage

withdraw and lose access to

public spending on education, the inequitable aspects of education become even more manifest. However, inequalities in education are not due to the financial resources only, but also to the content of the curriculum, the type of teachers, the teaching and learning strategies in the classroom, and the school-teacher relationship, to mention but a few factors.

5.5 Curriculum justice, Linguistic

#### Reference 161 - 0.01% Coverage

the C.P.E in

such large numbers. These include: an irrelevant curriculum, the non-utilization of the mother tongue as a language of instruction, the lack of adequately-trained teachers, the absence of relevant remedial education, the lack of resources for private tuition, a strong disjuncture between the school culture and the home culture, and lack of parental involvement. These are just some of the causes. Another cause, which is increasingly being talked about, is the lack of relevant and quality pre-primary education.

5.8 Pre – Primary school

#### Reference 162 - 0.01% Coverage

the contemporary education system is

the high failure rate of children at the end of primary school. The State has tried to address the problem by setting up 'Zone Education Prioritaire schools.' The idea behind the ZEP Schools was to resource the 'failing schools' better and to give them more attention, but in-school processes and the relationship between the home and the school have remained as they were before, thus causing

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#### Reference 163 - 0.01% Coverage

left out in the cold

at the end of the primary cycle, as a result of their inability to meet the established benchmark for promotion to the mainstream in the secondary sector. As there is no other well-organized system or structure to provide for further learning opportunities and equal facilities to this category of students, a new Prevocational Education Scheme was launched in 2001, with a view to providing the necessary environment for the growth and development of these children, and also for developing learnability to eventually help them live a socially acceptable and economically self-sufficient life style (Ministry of Education & Human Resources, 2011).

The new scheme developed, for

#### Reference 164 - 0.01% Coverage

provide a second chance to

those who fail C.P.E., very few of the students actually get a second chance. The learning experiences and the assessment proposed to pupils persist in not drawing from the personal experiences of the children, nor do they relate to their specific learning styles. In short, what is learnt, how it is taught and how it is assessed has not changed much from the Primary School except in a few of the Prevocational Schools. Resources, especially those relating to practical classes, are often not available for children attending prevoc. Many of them complete their three years at PVE without knowing where they will land up; some do end up at NTC Foundation Course, but there is no research available to know what exactly happens to those young people after the few years of post-primary schooling.

Can we speak of Justice

#### Reference 165 - 0.01% Coverage

November 2003, when he notes:

"Money is not a solution to poverty, not when poverty is culturally embedded, transmitted from generation to generation. There must be compensation... But it must be intelligent and work towards sustainable development. Sustainable development refers to the harnessing of resources for future generations. Giving money to individuals is unfortunately one way of making them vulnerable to consumerism and to the forces at work in a capitalist society. This will not necessarily generate future resources. It is not freeing them from mental shackles. We need to look how to empower our brethren of African descent to think critically about their assets and to make the best out of these so that future generations can benefit from these. It would be more intelligent to fund projects that look at community development [...]"

7.3 Education as an

#### Reference 166 - 0.01% Coverage

the stories unfolding from the

data obtained, it is important to understand that Education will only be able to constitute a tool for reparation if a multi-pronged approach is used. The latter will draw from symbolic action, Affirmative Action and institutional re-engineering to bring about transformation. While the next chapter details out the recommendations proposed by the Education Team towards reparation, it is important to note that the Education Team is of the opinion that the injustices and violations of rights associated with slavery and

indentured labour cannot be monetized and therefore proposes the setting up of some kind of fund from which resources can be obtained to implement the recommendations proposed.

Truth and Justice Commission 774

#### Reference 167 - 0.01% Coverage

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214. Rosen D. M. 1977

#### Reference 170 - 0.01% Coverage

fruits and vegetables (Boodhoo 2010).

Many Indians had other food resources which they produced themselves, such as milk, poultry, meat and vegetables. The

#### Reference 171 - 0.01% Coverage

bring great benefits to the

general improvement in the standard of health and well-being in the Colonies. It made several recommendations to improve nutrition and it was left to each Colonial Government to decide on their application in its own territory. The Committee considered the first requisite was the supply of energy needs and an attempt to increase the quantity of foodstuffs consumed by increasing the variety in order to improve its nutritional quality. Because of the low energy yield per acre of animal products, the Committee recommended a combination of cereals and legumes as nutritionally valuable, as well as soya beans, groundnuts, red palm oil, fruits and green leafy vegetables. Animal products were regarded as most desirable (although their energy yield per acre was low), and livestock production would also contribute to agricultural development. The Committee thought that fish was the animal product which might be more useful than any other in supplementing Colonial diets and encouraged the development of Colonial fishery resources. Although the Committee considered milk to be the 'most valuable of all foods', it pointed to the dangers of contamination of fresh whole milk in tropical climates and considered cheese, curds and ghee to be less risky. It also suggested the import of dried skimmed milk (as a relatively cheap source of protein, calcium and B-vitamins) by the colonies (at any rate for use in bulk) to partially make up for the shortfall in local milk production and increased consumption (HMSO 1939).

#### 2.4.1 Food rationing

#### Reference 172 - 0.01% Coverage

de Bourbon. Rivière, op. cit.

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Truth and Justice Commission 854

6. Regionalisation of Health Services and distribution of resources equitably to all parts of the island.

7. Introduction of specialised care

#### Reference 174 - 0.01% Coverage

#### 2. SLAVERY AND INDENTURED LABOUR

The history of slavery and indentured labour in Mauritius takes its roots in the presence of visitors and settlers of colonial empires stretching over a period of two and a half centuries starting in the eighteenth century. Stuck in the trademark trappings of possession of the island, de-possession of its resources, trade rivalries, strategic presence for control of trade routes lapping the Indian Ocean and economic exploitation for the production of sugar were the dominant reasons explaining the Dutch (1698-1710), French (1710-1810) and British (1810-1968) occupation of the Island.

To achieve those ends, the

#### Reference 175 - 0.01% Coverage

a Commission to investigate and

report upon the condition and resources of the Colony as regards administration and the financial situation with a view to introduce such economies in the establishments and expenditure as may be possible without detriment to the public interests.

On Medical and Sanitary Services

#### Reference 176 - 0.01% Coverage

by Richard M. Titmuss and

Brian Abel-Smith was presented to the Governor in 1960. The term of reference was to 'advise the Government of Mauritius as to the provisions to be made for social security, bearing in mind the resources of the territory and the needs of its people'.

□

The Economic and Social Structure

#### Reference 177 - 0.01% Coverage

the life of the Colony.

10.5 Training Worldwide, the healthcare industry is a large employer of human resources. Combining medical technology and the human

#### Reference 178 - 0.01% Coverage

can have a genetic effect.

This study will demand more resources, both human and financial, and will only be possible, if a sample of that population made up of descendants of slaves and indentured labourers were to be identified.

Acknowledgements Our thanks to: Mr

#### Reference 179 - 0.01% Coverage

of health care is escalating.

The limited resources are stretched beyond sustainability. Truth and Justice Commission 920

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#### Reference 180 - 0.01% Coverage

maintain labourers for the non-

working part of their VRS and had to pay wages only for the work performed. This strategy helped them to cut the costs of labour to a great extent. But the most striking shift in the realm of labour relations took place in form of Métayage and Morcellement<sup>76</sup>. Finding the large scale cultivation economically unviable, planters decided to lease the plantation part to the old immigrants and concentrate on production of sugar by consolidating it and making it more cost-effective. In a severe financial crisis, because of the sinking fortunes of Mauritian sugar in the wake of global competition, planters had no financial resources to invest

in the improvement of plantation, and this moved them to separate the plantation of sugar cane from the making of sugar.

They  
transferred cultivation part to

#### Reference 181 - 0.01% Coverage

of Immigrants in Mauritius (1875)

8. Report of the Royal Commission Appointed to Enquire into the Condition and Resources of Mauritius (1909)

9. Report of the Committee

#### Reference 182 - 0.01% Coverage

them or be selfemployed.<sup>182</sup>

Chinese businessmen such as Hayme and Ahine were very autonomous and resourceful. <sup>183</sup> They engaged in activities that were exclusively done by the Whites. They would import goods in large quantities together with some Chinese labour. Their shops were never out of stock and their prices would defy any competition. <sup>184</sup> Furthermore, the social transformation which occurred in Mauritius from the 1830s with the liberation of slaves and the arrival of indentured labourers, offered more trade prospects to the Chinese. The Chinese set up their businesses at strategic points and received a type of clientele who "were not readily accepted by the Europeans." In Port-Louis, they settled between "le camp des noirs" and "le Camps des Malabar"<sup>185</sup> and traded between these two local communities.

Their commerce expanded through rural

#### Reference 183 - 0.01% Coverage

knowledge, there was no motivation  
for planters to invest resources in making  
arrangements for education of immigrant

#### Reference 184 - 0.01% Coverage

population was from the labouring  
classes without much resources at their disposal, their  
expectations were quite practical – having

#### Reference 185 - 0.01% Coverage

4: PART VII – INDENTURED IMMIGRATION

living in extreme hardship and for whom it was very difficult to spare resources for the education of their children.

4.1 Economic Potential of

#### Reference 186 - 0.01% Coverage

change. Despite acquiring considerable economic resources, they still felt handicapped because of their ignorance and they gradually focused on the education of their children, which they were now in a position to pay for. Indian children were educated in the traditional knowledge through Baithakas and Madrasas. In fact, Baithakas contributed very significantly not only to inculcating the initial education in the children but were also vital in the emergence of community consciousness among the immigrants. The first demand from the Indian immigrants for their participation in education, as traced by C. Kalla, came from the Muslim community towards the end of 1880s when a petition signed by more than 7,000 members of the Indian community was submitted to the Governor.<sup>290</sup> This sectarian classification of this petition by Kalla was falling in line with the distorted explanation offered by the colonial administrators to reject the petition, and it does not carry much weight as Kalla himself mentions that the petition was signed by members of diasporic community across the religious affiliations. The possible lead was taken by a group of Muslim merchants who were emerging as economically influential class among the Diaspora. At the turn of the century, the attitude of the Indian immigrants witnessed a gradual positive change in favour of educating their children, as Governor Jerningham reported to the Secretary of State, 'The half-time schools are rapidly becoming full time second grade schools, a proof that Indian parents are anxious to give to their children the full benefit of a whole day's education'.<sup>291</sup> This affirmative outcome of this changed attitude soon began to be reflected in the increased representation of Indian community in different 'white collar' vocations like clerks and some even went to European countries after being educated at the prestigious Royal College, as a report observed in 1906:

"Many of their children are

#### Reference 187 - 0.01% Coverage

##### EDUCATION IN THE INDIAN COMMUNITY

It is worth exploring who the children were who had the access to education and those who were making it to the elite educational institutions like Royal College and, by the turn of 20th century, even to the overseas destinations. Owing to the limitations of time and resources, we do not have much empirical evidence and would just make some observations on this based on two markers which indicate, and not thoroughly substantiate, towards a trend of the class belonging of these children and young students. Most of the reports underline a class privilege in access to education. J. F. Trotter, Protector of Immigrants, emphasised to the Sanderson Committee that only the better class of Indians liked to educate their children.<sup>306</sup> Manilal Doctor, in his deposition to the Royal Commission, argued the fact that education was beyond the reach of poor parents, even if there were scholarships. All the scholarships for Higher Education were awarded on the basis of qualifying examinations which needed extra learning; therefore, only the children of prosperous Indians would qualify for these scholarships, as their parents could afford private tuition for their children; and even if a poor parent wants to send his child to Higher Education establishments, it is most unlikely that the child would win a scholarship for that.<sup>307</sup>

Provisions for child employment also had its detrimental impact on the access of education for the children of poor parents. For those parents, sending their children to schools was basically the loss of opportunity and resources. Since there were not many opportunities available beyond the plantation sector and the education system was not linked with vocational training for other jobs, even those who benefited from education were not finding employment.



#### Reference 188 - 0.01% Coverage

of Immigrants in Mauritius (1875).

22. Report of the Royal Commission Appointed to Enquire into the Condition and Resources of Mauritius (1909).

23. Report of the Committee

#### Reference 189 - 0.01% Coverage

of export activities, is largely

dependent on them and cannot be planned exogenously. This statement gives an indication of the importance of external events-institutional, political and economic and external trade in these states and underlines the extent of their exposure to external shocks on which they have no control. Such is the situation which prevails in these countries which have to adjust and adapt continuously to the exigencies which derive from their small size or insularity and remoteness. This may also help us to form an idea of the difficulties which confronted the French administrators and colonists, when they undertook the task of creating a colony in such a remote location as that of Ile de France in the 18th century. Such were also the responsibilities and commitments which Labourdonnais had taken, following his meeting with the Directors of the French East India Company in 1734. After his arrival at Ile de France on the 4th June 1735, Labourdonnais lost no time in setting about this task with zeal and determination. Unfortunately, a good deal of his time and the island's resources, scanty as they were at that time, were spent on refuting the accusations levelled against him and on a failed struggle against Britain in India.

Meanwhile, the bankruptcy of the

#### Reference 190 - 0.01% Coverage

of the Ile de France.

When Britain conquered Ile de France in December 1810, it inherited a colony which had been ravaged by war and deprivation. Mauritius had been neglected by the French who used the island's resources to supply their ships during the war against Britain in India and generally left the inhabitants to fend for themselves. The finances were in a deplorable state following the British blockade of the island. Most of the colonists were heavily indebted. While it had prospered as a naval base and a trading port under the French, Mauritius became initially an outpost of minor importance to Britain. The absence of financial institutions, the lack of financial rigour and the reckless speculation, which characterized the last years of Ile de France, left deep scars on local financiers. It was the unenviable task of Governor Farquhar and his new British administration to bring some order in this chaotic situation.

2.2 The Emergence of

#### Reference 191 - 0.01% Coverage

MAURITIUS

2.4 Concluding Remarks

French occupation of Ile de France followed the path defined by Dutch Colonialism. Ile de France was used as stop-over in carrying out trade with a resourceful Asia, especially China and India. Moreover, there was intense colonial rivalry, because British colonialism was equally competing for trade and investment in India, China and other parts of Asia.

The intermittent colonial wars resulted

#### Reference 192 - 0.01% Coverage

to reach 110,000 arpents.

The implications were, and are, very serious for Natural Resource Management; so much so that whilst in 1826, forests were two-thirds of Mauritius, by 1872 the area of Mauritius covered in forests was less than one-sixth<sup>38</sup>. The impact on water supply would soon be felt.

Similarly, there were big leaps

#### Reference 193 - 0.01% Coverage

the more arduous field operations.

The colonists' aversion to maroonage had two main causes: On the one hand the threat to personal security and property posed by maroon slaves who remained "active and resourceful protagonists". A second strong motive of resentment on the part of the colonists was that maroonage deprived them of valuable labour which was an indispensable element for the profitability of their operations.

In these circumstances, the colonists

#### Reference 194 - 0.01% Coverage

Gomm to Stanley in 1846).

There, is thus, a need to examine the "Petit morcellement" in the light of the financial problems that many planters had to face at the time. There was a strong speculative element in early morcellement activity. The financial incentives to subdivide an estate could be considerable. The subdivision of estate land yielded returns of 100-200 percent on the original investment for both large and small land owners. The involvement of the Coloured Population in the "Petit morcellement" became especially pronounced after 1842, precisely at a time when the sugar industry's problems would have made tapping into the substantial financial resources held by some members of the Coloured Population an alluring option for many planters.

The labour and liquidity crisis

#### Reference 195 - 0.01% Coverage

crop but the crop proceeds

depended on the vagaries of the weather and fluctuations in the price of sugar. The 'bailleurs de fonds' were usually local merchants or produce brokers who possessed substantial liquid capital resources of their own and good credit with the local banks. They provided planters with shortterm credit and acted often as the town agent for the estate providing it with supplies and money and selling the crop.

The Industry's development depended, to

#### Reference 196 - 0.01% Coverage

the Mauritian sugar industry consisted largely of individual or family-owned estates, and the structure of ownership remained highly personalized even after more advanced forms of industrial organization such as limited liability companies, began to be introduced during the 1880s. This reliance upon personalized forms of industrial organization limited the financial resources available to planters and made them dependent on short-term credit for their operating expenses even in boom times. The fragility of estate finances and the chronic undercapitalization of the Sugar Industry were a source of constant concern to the British Government and local planters. Following the example of Farquhar

#### Reference 197 - 0.01% Coverage

Following the example of Farquhar, successive Governors endeavoured to increase the financial resources available to the planters to promote sugar cultivation. In a Review of the

#### Reference 198 - 0.01% Coverage

not the object of substantial British investment. Signs of long-term difficulties began to appear during the second half of the 1860s, when the amount of specie entering the colony declined precipitously, a development which leveled the beginning of a growing capital scarcity problem. By the mid-1880s, signs of decline were discernible in other indices of economic performance such as the value of sugar exports, the balance of trade and the value of imports<sup>129</sup>. The falling world price of sugar, the higher cost of imported staples and several natural catastrophies in the 1860s were heavy blows for an economy, virtually exclusively dependent upon the resources of a single industry. Planters responded to the developing

#### Reference 199 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

British capital or a substantial accumulation of local capital. The French Law of Succession, in force in the island, operated against the accumulation of capital. The Commissioners considered that it was a misfortune that no large banking company doing business in other parts of the East, had a branch in Mauritius. They believed that such an institution could meet an increased demand for accommodation or whether a period of depression in a way that the two existing banks, with their necessarily limited resources, could hardly be expected to do.<sup>136</sup> (confusing- please re-consider) Moreover substantial remittances to Mauritians

#### Reference 200 - 0.01% Coverage

land provided much-needed funds.

Allen asserts that the "Grand morcellement of the 1860s" and associated developments cannot be understood, without examining the various ways and means by which Indian immigrants capitalized upon the opportunities during the latter part of the 19th century. Allen also refers, in that connection, to the lack of adequate financial resources and reports of impoverished and destituted men in the Coloured Population.

The average sum owned by

#### Reference 201 - 0.01% Coverage

##### 1909 5.2.1 Background

In addition to the low price of sugar and the uncertainties of the international sugar market, there were some other events which accentuated the economic depression at the turn of the twentieth century in Mauritius: the severe cyclones of 1892, the bubonic plague of 1899, the surra disease of 1902, the increase in prices of basic foodstuffs like rice and dhol. In 1907, the Mauritius Chamber of Agriculture asked the Colonial Government a loan of £600,000 to help sugar planters in improving the machinery of their factories and requested the Government to borrow £100,000 (1 £ = Rs. 15) for purchasing land in the context of its programme. The Secretary of State for the colonies did not agree with such a loan and suggested that there should be a Commission to investigate the condition and resources of the Colony. The Action Libérale, a political organisation /party, and other social/political forces campaigned for the setting up of such a Commission. In the end, the Royal Commission to inquire into the condition and resources of the Colony of Mauritius was set up in May 1909.

##### 5.2.2 The Overall

#### Reference 202 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

"[...] this excessive concentration of its resources upon one industry exposes it to serious difficulties and even dangers. It makes the colony entirely dependent upon the world price of sugar, over which it has no control."<sup>169</sup>

Obviously, external trade played an

#### Reference 203 - 0.01% Coverage

##### Report of the Royal Commission:

"By the end of the hurricane season, i.e. in April, they have exhausted the funds derived from the last crop and have to apply to a financial agent for assistance. This agent is called in Mauritius a bailleur de fonds. He is often a local merchant or produce broker, he has generally a substantial amount of liquid capital of his own as well as good credit at one or other of the two local banks, and when, as usually happens, the total amount of the money required for the estates which he is financing exceeds his own available resources, he borrows the balance from the bank, giving his own name and that of the estate owner as security. The planter submits to the bailleur de fonds a kind of budget for the coming year showing what he expects to have to pay for interest and other fixed charges, wages of employees and labourers, manure, rice and other stores, and in many cases for household and personal expenditure-in fact for all his anticipated outgoings

during the year. He gives the bailleur de fonds the selling of the sugar produced on the estate and the right to demand, if necessary, a mortgage on the estate for any balance which may remain owing at the close of the year's transactions. The bailleur de fonds then becomes practically the business manager of the estate. He supplies the owner monthly with the funds required for fixed charges, wages, &c., he buys and pays for the manure, rice, and stores required for the estate, and, as the sugar is produced, he sells it and credits the owner with the amount realised. On all his outgoings in respect of the estate he debits the owner with the interest at the agreed rate, and on the other side of the account credits him with the interest at the same rate on the sums received for the sale of produce. At the end of the year the account is made up and the owner receives whatever balance there may be owing to him, or, if the balance is a debit one, gives the bailleur de fonds security for the amount."

With this system, and given

#### Reference 204 - 0.01% Coverage

sugar in the Commonwealth.<sup>187</sup>

The policy of price determination, by means of negotiations between representatives of producers and consumers, with the overall objective of ensuring a remunerative price to producers, led to a growing divergence between the CSA and the world price. This led inevitably to growing distortions in the allocation of resources, to overproduction and an accumulation of stocks. Instead of being determined by the "free play of market forces", prices were decided according to the relative bargaining power of the negotiating parties. This induced Colonial sugar producers to regroup in order to increase their influence in the negotiations with Britain.

Now, to revert to the

#### Reference 205 - 0.01% Coverage

in medicine and public health.

With the very narrow limits of Mauritius in terms of land and natural resources, the threat of overpopulation clouded the island's future prospects and the very real danger of a Malthusian nightmare scenario dominated Government policy in the 1960s and 1970s.<sup>188</sup>

During the 1950s, the economic

#### Reference 206 - 0.01% Coverage

##### THE CONSEQUENCES FOR CONTEMPORARY MAURITIUS

In the 1950s, the private capital outflow averaged about six million rupees, equivalent to almost 10 per cent of gross domestic capital formation. In 1964, the Government imposed a tax on the private transfer of capital overseas in order to restrain the drain on the island's financial resources.

The precarious financial situation of

#### Reference 207 - 0.01% Coverage

of building new concerns."<sup>191</sup>

The high concentration of land and resources in the Sugar Industry and the segmentation of the financial market produced inefficiencies in the allocation of resources and a lopsided pattern of development. In addition to the economic factors which can explain the predominance of the Sugar Industry in the island economy, there were also political and institutional factors at work which strengthened the hold of the Sugar Industry on the country's affairs. During colonial times, the plantocracy played a prominent role in the formulation of Government policy through its representatives on the Government Council. There was then an effective partnership in the administration of the island between the colonial establishment and the industry's representatives. The presidents of the Chamber of Agriculture were regularly consulted by the Governor on important matters and their opinion and advice were communicated to the Secretary of State in London.

Political and institutional factors have

#### Reference 208 - 0.01% Coverage

and the sugar producers.<sup>197</sup>

The objective of the policy of economic diversification, advocated by Meade, was twofold: to provide productive employment for the growing labour force, and to prevent a serious deterioration in the island's balance of payments. As the Sugar Industry had virtually reached its natural limits, any further increase in employment would have to be found outside the Industry. This was no easy task. It would require a high rate of saving to secure the resources required for capital formation. It would also require finding new profitable investment outlets within the narrow confines of the Mauritian economy, and given the virtually total absence of entrepreneurship and technical knowhow outside the industry.

Following the recommendations of the

#### Reference 209 - 0.01% Coverage

hectares (33034.1 arpents).<sup>250</sup>

The loss of cane land has been particularly high among small planters. They cultivate tiny plots of less than one arpent and their holdings are often fragmented into minuscule and scattered parcels which increase the cost of cultivation. Besides, on account of the fairly frequent occurrence of adverse climatic conditions and lack of good husbandry, their yields have deteriorated over the years and many small planters are cultivating sub-marginal plots on which the yield is only a fraction of that obtained by sugar estates and large planters. Due to the absence of adequate records, their title of ownership is also often problematic. Moreover, much of the land is not irrigated or rocky. With the meagre yields which they obtain in return for all the exertion and resources which they devote to cultivating their plots, small planters are particularly prone to be attracted by the alluring opportunities and high prices offered by promoters in the tourism industry and the lucrative property market.

Clouds on the Sugar Horizon<sup>251</sup>

#### Reference 210 - 0.01% Coverage

of the Sugar Industry.

The

first element resides in cost reduction. This is achieved via the closure of seven out of the existing eleven factories whereby three of the remaining four would each produce more than 100,000 tonnes of sugar; the

right-sizing of human resources in production entities to reduce the level of labour costs, both in absolute and relative terms; recourse to seasonal labour; the substantial reduction of overhead costs at operational, administrative and institutional levels; the reduction of the level of indebtedness of sugar producers and the derivation of full benefits from economies of scale at all levels, namely corporate sector and small and medium planters.

Secondly, another aspect rests on

#### Reference 211 - 0.01% Coverage

but mere factors of production.

13. Land: Land, being a valuable scarce resource, the management of it should be done with transparency so as to ensure that the people of Mauritius derive the maximum benefits. This includes access to beaches, as well as the lease and sale of State Lands. As far back as Ordinance 18 of 1874, there was provision for the sales of Crown Lands by public auction and the granting of leases of such lands by either public competition or private contract. And it prohibited the grant of 'jouissances' limited or unlimited. The spirit underlying this Ordinance should underlie any contemporary legislation.

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#### Reference 212 - 0.01% Coverage

background or region and sex;

□ use the resources of the Church to help ensure a quality education for needy children;

□ expand opportunities for those disadvantaged

#### Reference 213 - 0.01% Coverage

to be idle and demotivated.

22. The present rate of old age pension should be revised, specially for those reaching the age of 70 or more. The present rate of Rs. 3,200, allocated to people without resources, is a cause of extreme poverty, especially for those who do not enjoy any retirement benefits. This rate should be upgraded to Rs. 4,000

23. Certain housing estates (residences

#### Reference 214 - 0.01% Coverage

results have been rather 'mixed'.

The Education and Human Resources Strategy Plan 2008 – 20203, published in 2009, is a very elaborative document depicting the Government's firm intention to bring about fundamental reforms in Education. Two key words are: creativity and innovation as the basis of reforms which are essential for meeting the needs of a growing economy. The plan covers all sectors: Pre-Primary, Primary, Secondary, Technical and Vocational and Tertiary. Focus has also been put on major

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#### Reference 215 - 0.01% Coverage

Costs. Allen Unwin p. 40.

2. Morgan D. J. (1980) Official History of Colonial Development: Volume I Origins of British Aid Policy. 1924-1945. Volume 2 Developing British Colonial Resources 1945-1951 Volume 3 A Reassessment of British Aid Policy 1951-1965 Volume 4 Changes in British Aid Policy 1951-1970

3. 4.

Meade J.E

#### Reference 216 - 0.01% Coverage

Economy. Edition de L'Océan Indien.

Ministry of Education and Human Resource (2009). Education and Human Resources Strategy Plan 2008 – 2020

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#### Reference 217 - 0.01% Coverage

biodiversity is the most devastated.

Isaac Balfour, a Botanist, referred to Rodrigues as a barren land in the 1870s, some 180 years after the first settlers enjoyed to the fullest the natural resources of Rodrigues in 1691. Once an idyllic place, fertile valleys, potable fresh water, pure and healthy air, the land that saw the evolution of an amazing mega-fauna (exceptionally beautiful though strange birds, Solitaire and reptiles – giant tortoises and lizards) is now a depleted and desolate place. The exploiters have gone and in their memory, the atrocity caused to Rodrigues has been completely forgotten.

Rodrigues is probably amongst the

#### Reference 218 - 0.01% Coverage

geology, climatology, zoology, botany etc.

Rodrigues is blessed with a complete fringing reef and the surface area of the lagoon is more than twice the surface area of the island. Even though there has been massive exploitation of the lagoon resources, it is reckoned that more than 90% of the coral reef is in a good healthy condition. The decision to set-up a marine reserve, the South-East Marine Park Agency is a very commendable undertaking and will certainly help to preserve the marine resources within the lagoon.

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#### Reference 219 - 0.01% Coverage

##### ECONOMIC DEVELOPMENT OF THE ISLAND

Since the very beginning of human settlement in Rodrigues, the economy has been essentially based on the primary trilogy; cultivation, stock-breeding and fishing. Rodrigues' economy is solely an auto-subsistence practice which is on the decline year in year out. From the days of the first permanent settlement until 1995, the economic development was limited to a form of subsistence agriculture and fishing. Massive



deforestation took place to make land available for agriculture and stock-breeding and considering the topography, no serious measures were implemented to contain the top soil of the slopes. Consequently, erosion was rampant and the fertility of the soil degraded rapidly. Furthermore, the eroded materials were carried downstream and had a devastating silting effect on the lagoon. There is a clear case of mismanagement of natural resources without a well-thought integrated and sustainable development plan.  
Way back in the 1930s

#### Reference 220 - 0.01% Coverage

of the favourite daily shows.

The adoption of a few agricultural filieres and the focus on high-quality niche products and on technology, have allowed a remarkable preservation of the environment and natural resources. As Air Mauritius' mid-range airplane prepares to land at Plaine Corail, visitors are thrilled to see the island covered with crops and other plants that are driving one of the pillars of the Rodriguan economy. Hardly a plot of land can be seen as bare. The lagoon also appears impressive with marine parks and aquaculture dominating the view. Fishing boats in the outer -lagoon, are numerous and visitors can observe from the plane the interplay between small local fishing boats and

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#### Reference 221 - 0.01% Coverage

namely the implementation  
of Free

Education at secondary level, illiteracy was very high in Rodrigues. Very few children had access to Secondary Schools through the Church School and the majority was left to revert back to permanent illiteracy. Parents did not see the need to help their children to pursue their education because social mobility was inexistent. Children left Primary School at a very early stage to help with the family agricultural fields, to tend domestic animals, such as goats, sheep and cows, and to join the fishing squad. They were condemned to become "ti gardien ek ti pesser". This was a vicious circle that ensnared many generations of Rodriguans. Due to the lack of proper training in agricultural management and animal husbandry, the land resources were exhausted very quickly, and combined with severe climatic disruption, production in both the agricultural and marine sectors, became poorer and poorer year in and year out. On the other hand, the demographic level of the island exploded, meaning that there were more people to feed.

Faced with this catastrophic situation

#### Reference 222 - 0.01% Coverage

it, 51 The previous snobbishness,

Mauritian counterparts at secondary level, because of a scarcity of resources, facilities, equipment and funds.

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#### Reference 223 - 0.01% Coverage

Rodrigues the situation was different.

Indeed, the local residents were foragers and thus were dependent on land for their subsistence. Land was, and still is one of the main natural and income-generating resources (the other being the surrounding sea). They are conscious of the importance of landownership and for generations, they have developed and nurtured a symbiotic relationship with land.

The Rodriguans are not landless

#### Reference 224 - 0.01% Coverage

island (NorthCoombes 1971).

Food insecurity

In times of scarcity, the Rodriguans eat anything available that can be consumed, wild fruit, and even snails. In the old days, when latanier palms were still plentiful, the cabbage was eaten. Lataniers became scarce after the prolonged drought of 1928. In the pre-ETC1 days, it could be weeks before a ship would bring an emergency supply of rice, and the inhabitants often had nothing at all to eat; fortunately, the resources of the sea helped out. In the course of their history, Rodriguans have often endured famine conditions, under which any other people would have rebelled (North-Coombes 1971).

During the 1930s, a portion

#### Reference 225 - 0.01% Coverage

preserved in its natural

resources. natural state for

Bagos Archipelago

#### Reference 226 - 0.01% Coverage

freely dispose of their natural

wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law."

Thirdly, that "the process of

#### Reference 227 - 0.01% Coverage

constitutional and human rights debate.

In fact, until now there is no universal fixed definition of 'indigenous'. Even the United Nations have not adopted an official definition. It remains a flexible construction with legal, social, cultural and political conceptualisations diverging. Yet, in the context of human rights issues, the United Nations' understanding of this term prevails. They identify 'indigenous' people on the following criteria: (i) self-identification as indigenous people at the individual level that is accepted at community level; (ii) historical continuity with precolonial and/or pre-settler societies; (iii) a strong link to territories and surrounding natural resources; (iv) distinct social, economic or political systems; (v) distinct language, culture and beliefs; (vi) people forming non-dominant groups of society and (vii) people desire to maintain and reproduce their ancestral environments and systems as distinctive people and communities.

For the United Nations, self

#### Reference 228 - 0.01% Coverage

their colonisation, forced displacement and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development and return to their homeland.  
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#### Reference 229 - 0.01% Coverage

a history of land, and property and resources dispossession. The latter were deprived of their rights to property ownership, physical integrity and decent living and housing conditions.  
The United Nations Declaration of

#### Reference 230 - 0.01% Coverage

on the Rights of Indigenous people unequivocally state that, firstly, everyone has the right to own property alone as well as in association with others and no-one shall be arbitrarily deprived of his property. Secondly, indigenous people have the right to the lands, territories and resources that they have traditionally owned, occupied or otherwise used or acquired. They have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.  
Human rights were recognised to

#### Reference 231 - 0.01% Coverage

was transmitted to other generations through inheritance and when the Chagossians were deported to Mauritius, they did not voluntarily renounced their rights on their land. They were illegally stripped of their land, houses, belongings and resources.  
The lawyer further stressed that

#### Reference 232 - 0.01% Coverage

afternoon, on a roster basis.  
10.4.3 Medical care is an important issue in Agalega and much has been said thereon. It is true that the population on the islands amount to some 300 persons only. Investment in human resources should not be exaggerated. However, where life is concerned, in order to preserve it, all facilities should be available, regardless of money. The question of maternity is a complex one (Ref statement of Mr. Gino Alfred & Co.

on 18/08/10. N0.189) An in-depth study is imperative to see to it. An incentive to increase the birth-rate in Agalega is recommended in the Collective Agreement of November 2009 (Doc. II 4.7.4/5) (Ref. 8.3.9).  
10.4.4 Support from

#### Reference 233 - 0.01% Coverage

Union Society is very important.

10.12.4 Now that currency is present on the island and that modern trends are not a secret through TV, hairdressing, dressmaking, shoemaking courses could be run by resource persons found on the islands. Those interested can also follow courses in Mauritius (Doc. II 3.9; 4.4.7). These issues are important for the construction of a stable society.

10.12.5 Those coming

#### Reference 234 - 0.01% Coverage

leurs rapports annuels par exemple.

226 Par exemple, les Archives nationales sont maintenant intégrées au HRKAD Fund (Human Resource, Knowledge and Arts Development Fund) placé sous l'égide du Ministère de l'Éducation. Or, faute d'avoir obtenu des Archives nationales un budget détaillé, nous sommes dans l'incapacité d'en savoir plus pour 2010 et 2011.

227 Ainsi, s'agissant du budget

#### Reference 235 - 0.01% Coverage

[trove.nla.gov.au/newspaper](http://trove.nla.gov.au/newspaper)

298 Certains textes sur Gallica ou sur la bibliothèque numérique de l'Anti Slavery Society ("Anti-Slavery - Resources", n.d., <http://www.antislavery.org/english/resources/default.aspx>).

299 De préférence das un

#### Reference 236 - 0.01% Coverage

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GENERAL

#### Reference 237 - 0.01% Coverage

the colonial power in place.

However, the Société could not continue these expensive initiatives. The artistic exhibitions were later incorporated in those dedicated to Science. The first one took place in 1881: an artistic exhibition was

organised by the Société as part of the Inter-Colonial Exhibition taking place at the Government House, the seat of the Colonial Government. Each year, the exhibition regrouped industrial products and natural resources of Mauritius and other colonies of whose sugar «surpassent en beauté ceux des années précédentes» (SRAS, 1881:112). The artistic exhibition presented «objets rares, curieux ou historiques existant à Maurice [...], quelques belles toiles de la Réunion et de Maurice, ainsi que des aquarelles» (SRAS, 1881:112).

The exhibition focused on Mauritian

#### Reference 238 - 0.01% Coverage

libraries offering access to all.

The Mauritius Institute was established according to the European model of Natural History Museum: the Institute adopted the same functioning system by assembling the local scientific competences, the same categories of classifications and the European conservation norms and presents Natural History Collections from the local fauna and flora, from Madagascar, from the South of Africa and the neighbouring islands (Cheke, 2003). This Corpus of collections indicated the intention to document the local and regional environment and to make of the Museum, a place of exception. This national project absorbed the resources of the Royal Society of Arts and Sciences

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#### Reference 239 - 0.01% Coverage

and National or Specialised Museums;

6. promote the use of the resources available at National and Specialised Museums for educational purposes and for research.

These objectives were guided by

#### Reference 240 - 0.01% Coverage

on for the remaining ones”.

Following these statements, a visit took place was on 31st March 2011 at the Mauritius Institute to assess how the Mauritius Museums Council had progressed to offer a better management and conservation of its collections and also, appreciate the resources at hand to allow improvement.

Cataloguing of museum collections

Good

#### Reference 241 - 0.01% Coverage

specific training by experienced professionals.

In this respect, this also raises the need to have resources specifically trained in museology. The staff at MMC informed that they received a training in preventive conservation when the priority – also underlined by the audit report of 2001 – is to ensure that the personnel be trained in collection management. At present, the staff is not in a position to address the shortcomings related to collections management as they were not trained to receive the basic knowledge of MUSEUM MANAGEMENT.

The recommendations for improving the

#### Reference 242 - 0.01% Coverage

##### NATION – MEMORY AND REPRESENTATIONS CONCLUSION

The issue of Heritage Management is a main object of concern. The management of heritage is instrumental to ensure its preservation and also, the restitution of the past to the population. In this section on general recommendations, it seems essential to recommend the setting up a national policy for heritage and museums. This is the core document addressing the vision, the goals and the proposed orientations for the future. A policy document stands for the starting point to the elaboration and implementation of an integrated management for museums and heritage. The present management certainly requires improvement and also, the support of expertise in the field. Indeed, heritage and MUSEUM MANAGEMENT are two specialised field of competence and should rely on appropriate professional resources to ensure the sustainability of heritage.

The elaboration of a policy

#### Reference 243 - 0.01% Coverage

tourism, environmental or cultural policies.

- The need for trained resources and professional management
- The current management of museums

#### Reference 244 - 0.01% Coverage

versed in such specialised fields;

- Revalorization of the heritage field by providing better conditions to employers: there should be a valorisation of technical and scientific staff as they are the appropriate resources to manage heritage places or museums and thus leading to an optimal management of resources and a better management of heritage sites and museums;
- To consolidate an integrated management system for heritage led by a pool of technicians centralizing all heritage data and ensuring the coherence of projects undertaken for effective results and optimize resource management.

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## **Name: References to Tenure in Mauritius Report**

<Files\\Mauritius Report> - § 28 references coded [0.09% Coverage]

### **Reference 1 - 0.01% Coverage**

for implementation is also included.

Volume Two consists of papers prepared by the Land Team on Land issues in Mauritius, as well as the results of the analysis by the same Team on the 340 claims concerning land dispossession. It is divided into a History of Land Tenure section, detailed studies on selected topics such as Lack of capital, prescription and a summary of each case and the main findings of the Land Team. As Commissioners were not Land experts, the Commission has borrowed heavily (but not exclusively) from the Report of the Land Team to make its general findings on cases being heard before the Commission.

Volumes Three and Four consist

### **Reference 2 - 0.01% Coverage**

#### THE TRUTH AND JUSTICE COMMISSION

In addition to a number of other drawbacks, such as the lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet, despite noting that these living conditions appealed primarily to the poor who, according to Benedict, were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movements between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>346</sup> who stated it was only poor people, who did not own property, who went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>347</sup>

Although the feeling is that

### **Reference 3 - 0.01% Coverage**

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fell out of favour. The

administration of the island was entrusted to different Governors, who did not know how to go about the development of the settlement, until it fell upon Mahé de Labourdonnais to use Mauritius as "headquarters". The island developed to become a most influential post for the "GovernorGeneral of all French possessions beyond the Cape". During his tenure of office from 1735 to 1746, Labourdonnais presided over many improvements of the island's infrastructures. He promoted its economic development, built up Port-Louis and strengthened the Sugar Industry.

The Company, which had a

#### Reference 5 - 0.01% Coverage

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VOLUME 2: LAND REFORM – LEGAL AND ADMINISTRATIVE ASPECTS THE SYSTEM OF LAND TENURE

Mauritius has an Exclusive Economic

#### Reference 6 - 0.01% Coverage

Source: Central Statistical Office, 2010)

The purpose of this section is to highlight the evolution of land tenure from the early days of the French occupation (1715) up to the present.

Land has always been a

#### Reference 7 - 0.01% Coverage

records may have seemed unimportant.

Land Tenure was regulated in Mauritius by French Civil Code (Decaen), commonly known as "Code de l'Isle de France". They were decrees, Ordinances promulgated in France and applied here in the name of the Monarch, Louis XV and later the Emperor.

THE EARLY "CONCESSIONS" (GRANTS)

The

#### Reference 8 - 0.01% Coverage



amount to 325 Hectares. MÉTAYAGE

Land tenure among small planters is either freehold or land held under a system of sharecropping, in Mauritius known as MÉTAYAGE, under which the planter gives to the owner of the land a portion of the crop produced on the land, in lieu of rent. The Métayer is a person leasing agricultural land under conditions which entitle the landlord to a share of the crop or any commodities produced from the crop.

On the 24th June 1949, a motion in the then Legislative Council was tabled on the subject of land Tenure, stating that the Government should appoint a fully representative Committee to prepare an Agricultural Legislation regulating the relations between Landlords and Tenants.

The following was confirmed from

#### Reference 9 - 0.01% Coverage

the historical background and the

contextual environment of that period of colonisation to understand the levers and factors that influenced and determined land tenure system and landownership in Mauritius.

Land tenure system and landownership have been the most important components that have shaped the political, social and economic history of Mauritius since the Portuguese first put the Island on the world map in 1505.

THE BACKGROUND

Discovered by the

#### Reference 10 - 0.01% Coverage

and a Republic in 1992.

When first discovered by the Portuguese the Island has no indigenous inhabitants. The Dutch were the first to exploit the Island's resources but they did not plan to settle a colony, so they did not introduce any system of land tenure.

THE FRENCH (1715-1810) Five

#### Reference 11 - 0.01% Coverage

no less than nine conditions.

The Grants System of Land Tenure was pivotal to the French colonisation policy. The institutional system has played a major role in shaping the colonial economy, exclusively agricultural, solidly anchored on cheap labour procured by slavery. The scheme opened the way to an agricultural society and established the regime of plantation economy.

The philosophy behind this was

#### Reference 12 - 0.01% Coverage

introduced from time to time.

As land tenure is concerned, the facts that feudalism had been abolished in France in 1789, forfeitures of land to the Feudal Lord were abolished with the abolition of the feudal system.

Under the Code Napoléon, land

#### Reference 13 - 0.01% Coverage

they occupied before the revolution.

In Mauritius however, the system of land tenure based on the concession system remained in force for a long time. Under the British Administration, the lands of the colony, unconceded as at 1810, together with the lands of the French establishment, were enlisted as Crown Land. Those colonists that cannot prove their ownership found their lands annexed to the Crown Domain.

During the period 1790 - 1814

#### Reference 14 - 0.01% Coverage

arpents 116.765 1/3

The nature of land tenure in Mauritius became a matter of concern to the Colonial Authorities, and a number of amendments and regulations were enacted from time to time.

Regulations of 26 January 1853

#### Reference 15 - 0.01% Coverage

the Crown by free grants".

With the view of abolishing the uncertain tenure of grants 'en jouissance', the Government proposed to substitute grants in perpetuity, or leases for longer terms of years, according to the nature of the property, object, purpose and terms of the original grant.

In a report dated 1st June 1863, the Surveyor General of Mauritius expressed concern to the Colonial Secretary on the unsatisfactory nature of the tenure of existing grants. He highlighted the great loss of revenue to the Colony consequent of poor tenure and the absolute necessity for reform.

Paragraph 30 invited "all persons

#### Reference 16 - 0.01% Coverage

reunited to the Crown domain".

By letter dated 12 July 1872, five Commissioners were appointed to make an enquiry into the extent, tenure and management of Crown Lands in the Colony, and their eventual Report constitutes Appendix No. 1 to Minutes No. 3 of 1874 of the Governor's Executive Council. Chapter II of the Report dealt with the then existing forms of tenure of Crown land and paragraph 3 of the Chapter with jouissances. After referring to the requirement in the 1864 Regulations for jouissances to be exchanged for grants in perpetuity or leases, the Commissioners commented that:

"...there are still in existence

#### Reference 17 - 0.01% Coverage

grants 'en jouissance', lease rights."

Despite the attempts of the British Authorities to reform land distribution, they did not have much success. Their promise of respect for the laws of the country and the difficulty to master the Code Napoléon and the Code Decaen allowed for abuses and malpractices on the part of the colonists. It is only after the law of 1874, following the reports of a Commission that amendments were brought for a better system of Land tenure.

#### THE WORK OF DESCUBES

On

#### Reference 18 - 0.01% Coverage

revert to the Crown domain'.

Regulations also provides: "that Persons holding existing Jouissances for an unlimited period of tenure, shall be required to exchange the same for permanent grants or leases as the Governor shall determine". Such grants or leases being as much as possible in accordance with the terms and conditions of the original "Jouissances

#### Reference 19 - 0.01% Coverage

have been the subject of

concession, have in some instances been re-annexed to the Crown, in consequence of the grantees having failed to comply with the clauses and conditions of their Deeds of Concession. The forfeiture of such lands is established and the re-annexation declared by means of a judgment of the Land Court, which, setting aside as it does, the deed divesting the Crown, forms its title to such lands tenure and would be incompatible with landownership under the Civil Code."

According to its title, the

#### Reference 20 - 0.01% Coverage

leases of Crown land.

#### CONCLUSION

The history of land grants in Mauritius stretched over a period of 285 years, started with the first Act of concession witnessing land conceded to Pierre Christophe Lenoir in 1726 by the Compagnie des Indes Orientales, governed by the Feudal Laws. It encompasses the struggle of the colonists for a better system of land tenure, the struggle of the slaves for freedom and justice and for their recognition as citizens capable of holding lands. And the fight of the 'gens de couleur' for a better comprehension of their aspirations to acquire land and take part in the set up and consolidation of a 'pieds-à-terre' common to all. Where everyone can celebrate and chant the Code Civil: "La propriété est le droit de jouir et disposer des choses de la manière la plus absolue, pourvu qu'on n'en fasse pas un usage prohibé par les lois ou par les règlements."

Code Civil: "la propriété est

#### Reference 21 - 0.01% Coverage

#### LAND - A SOURCE OF CONFLICTS

"Land tenure and interest in land are indeed extremely complex. It has been observed that the possessor or occupier of land may or may not be the owner and that the owner may or may not be the occupier. This is further complicated by the fact that the permanence and undestructibility of land makes it attractive to encumbrances or charges such as mortgages, annuities, legacies and debt charges and may even be a security for debt. Each of these situations gives persons other than the freeholders interest in the land. Because of all these complexities the art of conveyancing developed in order to properly transfer land from one person to another".

(Extract: From plots to plantations)

#### Reference 22 - 0.01% Coverage

bare lands as Crown property.

The situation regarding land tenure became even more erratic by 1804, which showed that out of some 70% of concession land, representing 132,000 hectares (312,734 arpents) of the island, some 26% had already been cleared and were being put under agriculture.

After 1810, the British Colonial

#### Reference 23 - 0.01% Coverage

cultivating tea and other crops;

- To give access to land to a wider range of people engaged in agriculture, thereby democratising land tenure.

In line with this policy

#### Reference 24 - 0.01% Coverage

forthcoming morcellement for the inhabitants

Facing lack of access to tenured land of individual plots of land and prejudicial land practices to the detriment of the already vulnerable groups, the local inhabitants have no other choices than to squat others land.

Illegal land occupation

As illustrated

#### Reference 25 - 0.01% Coverage

SLAVE CAMP CITÉ: LA MIVOIE

These families were and are still victims of exclusion caused by structural social inequalities, inheritance constraints, historical nepotism and ineffective and expensive land administrations systems. It is the duty of the government to secure tenure of the vulnerable groups and provide reparation to the victims of discriminatory land practices.

4.7 Social conditions

The

#### Reference 26 - 0.01% Coverage

effects of these developmental projects.

Based on the United Development Programme (2010) analysis, the underprivileged people will continue to live in precarious conditions and the number of slum dwellers will grow with the worsening home crisis resulting from the worldwide financial and economic downturn that has been exacerbated by 'lack of land titles and other forms of secure tenure; cutbacks in funds for subsidised housing for the poor; lack of land reserves earmarked for low-income housing; and an inability to intervene in the market to control land and property speculation'.

As stated in the report

#### Reference 27 - 0.01% Coverage

and towns (Benedict 1961:54).

In addition to a number of other drawbacks such as lack of privacy, property and tenure, and obligation to work, Benedict states that living in estate camps had come to be associated with low status because it was believed that crowded living conditions promoted promiscuity. Yet despite noting that these living conditions appealed primarily to the poor, who according to Benedict were drawn to estate camps because of free housing and steady employment, he also seems to have been under the general impression that "the pattern of moving from the estate camp to the village persists" and that only monthly workers were allowed to live in estate camps (1961:27, 54). As I alluded to above, the Annual Reports of the Labour Department indicate there was back and forth movement between villages and estate camps, and hence there is every reason to believe that sizeable numbers of impoverished villagers resettled in estate camps a generation after the first waves of indentured labourers moved off the estates. This is confirmed by the oral testimony of one elderly sugar estate worker,<sup>87</sup> who stated it was only poor people who did not own property that went to live in estate camps. Nor was it unheard of for some estates to allow daily or casual workers to live in their camps (cf. ARLD 1961:19-20, 50).<sup>88</sup>

Although the elderly sugar estate

#### Reference 28 - 0.01% Coverage

the backbone of plantation colonies.

To meet the increased demand for labourers required for the growth of the capitalist production system, a new labour regime was inaugurated in which labour began to flow from regions where people were unemployed, or displaced from agriculture or cottage industries, towards regions of heightened industrial or agricultural activity.<sup>141</sup> One of the most important, among such flows of labourers was the immigration of Indian labourers to work on labour intensive plantation settlements like Mauritius. Immigrants were tied to a contract of service, often entered into at the source of origin itself, for a fixed tenure and type of work to be performed, and they were legally compelled to observe the terms and conditions of the contracts.

Between 1820 and early 1830s

**Name:** References to Vacant Land in Mauritius Report

<Files\\Mauritius Report> - § 1 reference coded [0.01% Coverage]

Reference 1 - 0.01% Coverage

#### REFORM – LEGAL AND ADMINISTRATIVE ASPECTS

If some freedmen sought to acquire legal titles to land in which they already had a vested interest, others opted to acquire uncleared or vacant land, often in more remote parts of the island.<sup>42</sup> Their decision to do so stemmed, at least in part, from their desire to remove themselves from the places associated with their former servitude.<sup>43</sup> However, such sentiments and the actions that apparently flowed from them must be carefully qualified. More specifically, while many Mauritian exapprentices clearly changed their places of residence after 1839, the notarial records indicates that at least 75 percent of those who purchased land during the petit morcellement already resided in the same district in which the land they were buying was to be found.

This propensity of Mauritian ex