Quis custodiet ipsos custodes: sedition, surveillance, and the making of the Watchmen Ordinance 1928

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1. Introduction

In 1927, the Chinese weekly *Life* published a short piece depicting the stabbing of a Chinese by an Indian watchman on Foochow Road in the Shanghai International Settlement:

> *The Chinese person was a waiter at a nearby hotel, and the Indian person was the hotel's watchman. Initially, the two men were mocking each other, with only the sounds of "Ah San, you conquered slave" and "little beggar" being heard – just fooling around, so to speak. Then the Indian suddenly raised his fist as if to strike, and when the Chinese person saw this, he pulled the Indian's black beard, causing the surrounding onlookers to burst into laughter. The Indian person, humiliated and furious, took out a small foreign knife and violently stabbed and cut the Chinese's neck, causing blood to flow profusely in an instant*.[2]

Prejudicial words used by the Chinese inadvertently depict the peculiar position of Indian watchmen in British imperial East Asia. Thomas Metcalf and Robert Blyth termed this as India exercising sub-imperial power over British interests throughout Asia and beyond.[3] On the one hand, they were introduced as aliens to other parts of the British Empire in East Asia to police against crimes which were normally perpetrated by the locals. They acted as an alternative to the police force in smaller treaty ports or as an extension to them in larger cities like Hong Kong and Shanghai.[4] Many of these men were retired policemen who had once been members deployed against the Chinese.[5] Turbaned Sikhs are framed in the Chinese discourse as a symbol of colonial oppression and the "bloody lesson" of being lagging behind reference required here. Shanghai's Sikh policemen were notorious for their role in shooting Chinese protestors during the May 30 Incident of 1925.[6] On the other hand, the story of the Indian watchmen in Hong Kong is not distinctively different from the oppressed Chinese. They were "British subjects" but a colonized people, meaning the authorities enforced surveillance, and policed these officers through harsh

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[2] Jin Baihang, "Xiao jianshi: Nong jia cheng zhen," Shenghuo (Shanghai 1925A) 2, no. 27 (1927): 196-97.

[3] See Metcalf, Thomas R. *Imperial Connections: India in the Indian Ocean Arena, 1860-1920*. 1st ed. Vol. 4. Berkeley: University of California Press, 2007; also Robert J. Blyth, *The Empire of the Raj: India, Eastern Africa and the Middle East, 1858-1947* (Basingstoke: Palgrave Macmillan, 2003), 2-8.

[4] Madhavi Thampi, Indians in China 1800-1949 (New Delhi: Manohar Publishers & Distributors, 2005), 166.

[5] Ibid., 141.

[6] Isabella Jackson, "The Raj on Nanjing Road: Sikh Policemen in Treaty-Port Shanghai," *Modern Asian Studies* 46, no. 6 (2012): 1675

deportation powers. Among this diasporic community, the ideology of independence spread, and radical movements were fostered.

The duality presented by sub-imperialism conjoins the making of the Watchmen Ordinance 1928 by the Legislative Council of Hong Kong, formulating an "in-between" identity. At first sight, it was no more than a registration of special personnel taken up by around half the Indian workforce in China. It may well seem to be an advancement to governance by orderly regulation, symbolizing a further modernity of an occupation outdated enough in England that its name appears to exist only before the police were established. It is a stark objection to the "conquered slave" conception as it granted the Indian watchmen the status to be registered by the Police, which *de jure* rendered them the endorsement from the authority. But its actual legislative purpose was a targeted "anti-sedition" scheme by the British officials. The legislation evaded the purview of the long-established *Campbell v Hall* principle that colonial legislation should be constitutional and moral. Together with the help of the Deportation Ordinance 1917, which was legislated the same year that a more draconian version of the Watchmen Ordinance was intended to be put forward, the two pieces of legislation created a web of surveillance and punishment against the disruption of Imperial interest in the private sector of employment. It bears the symbolism of a primitive but *failed* Foucauldian transformation of power from express force to a subtle, pervasive yet totally legalized control.

Michel Foucault in "The Eye of Power" once declared that "a whole history remains to be written of *spaces* - which would at the same time be the history of *powers* (both these terms in the plural)."[7] In 1994, Jonathan Crush announced that the aims of the study of colonial geography were the unveiling geographical complicity in colonial dominion over space; the character of geographical representation in colonial discourse; the de-linking of local geographical enterprise from metropolitan theory and its totalizing systems of representation; and investing it with their own meaning by the colonial underclasses.[8] It cannot be said that the Indian "in-betweeness" would be totally separable from the coercion of the metropole London, but the history examined below demonstrates the origins of the experience from the peripheries of the empire, from the *powers* of sub-imperial India and the colony of Hong Kong in its plural sense. A de-link or minor-link to the Colonial Office and re-emphasis on decisions made in Government House of Hong Kong, Simla, Delhi, and Calcutta would present a more telling story of the exertion of power through the web of diaspora. Whenever the Sikh (or Indian in general) diaspora maps a geographical space, whether land or sea, instruments of surveillance, regulation, and coercion are used to propagate imperial power.

Meanwhile, it is worth emphasizing that decoupling from the metropolitan theory would not render an atomization in the historiography of the colonial underclass. The Indian diaspora in China

[7] Michel Foucault, *Power/Knowledge* (New York: Pantheon, 1980), 145.

[8] Anne Godlewska and Neil Smith, Geography and Empire (Oxford, U.K.: Blackwell, 1994), 336-337.

corroborates the web theory proposed by Tony Ballantyne and Thomas Metcalf.[9] India is more than just one of the many colonial "knots" that may be said to constitute the imperial web, if not quite a "spider" sitting at the heart of the web. Horizontal filaments run among various colonies in addition to the "vertical connections" between the metropole and individual colonies. Among the places, India was a subimperial center in its own right. The diasporic experience of India is no exception. When viewed contextually, their experience in Hong Kong is shared by their peers around the globe, yet it is almost exclusive to their own identity. They set off in a particular region in northwestern India, scattered across the empire as sepoys, police, or watchmen, for the common purpose of suppression, undergone close surveillance by the authorities for "seditious sentiments" via a web of imperial officials, and fell victim to or at least came under threat from the empire's trump card of deportation when dominions, colonies and settlements juggle with implicit coercive power of laws. Shared experiences rendered strong unity among diasporic communities, ultimately cultivating transnational nationalist movements. In this sense, the "in-between" experience is not confined to Indian watchmen in Hong Kong. They are groups of imperial underclass who shared a common experience in China, and even across the ocean.

This article focuses on the legislative history and background of the Watchmen Ordinance 1928. While maintaining a narrative centered on Hong Kong, it will also devote considerable attention to the contextual underpinnings: the Indian/Sikh diaspora, the Ghadar movement, and deportation laws across the empire. It argues that the legislation of the Watchmen Ordinance is a process of the peripheral powers to strengthen an identity of "coerced intermediaries" among the Indian diaspora in Hong Kong and beyond. Its origin was the exertion of power via surveillance of the Sikh diaspora among colonies and Chinese treaty ports. The Ordinance aimed to discipline a race that would act as an intermediary, coerced body to fulfill certain functions between the administration and its local subjects.[10]

2. Soldiers, Police, Watchmen, Moneylenders: Mapping Indian Diaspora in China

Three different streams of Indian communities resided in China during the colonial and imperial periods. In the western regions were traders and moneylenders from Kashmir, Sind and Punjab. In major commercial centers and treaty ports were traders and businessmen from Bombay. The final stream is groups of soldiers, policemen, and watchmen, located in Hong Kong and eastern China.[11] The composition of the last stream shares a more common identity. They originated from the same region of Punjab and all worked in the security sector in Chinese treaty ports and colonial Hong Kong.

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[9] Thomas R. Metcalf, Imperial Connections: India in the Indian Ocean Arena, 1860-1920, University of California Press Backlist Package 2000-2013, 1st ed., vol. 4 (Berkeley: University of California Press, 2007), 8.

[10] I borrowed the discourse of Michaela Dimmers. See Michaela Dimmers, "Caught In-Between: Coerced Intermediaries in the Jails of Colonial India," *International Review of Social History* 68, no. S31 (2023): 250-251.

[11] Madhavi Thampi, India and China in the Colonial World (New Delhi: Social Science Press, 2005), 66.

Multiple factors motivated young Punjabis to act as guardians of Imperial interests in China. From the late nineteenth century, rural families in Punjab faced fragmented and uneconomic landholdings, falling agricultural prices, growing indebtedness, and land alienation. These conditions forced families to seek additional income sources beyond farming. The traditional occupation that Sikhs normally sought as an alternative was military employment. Though after the Anglo-Sikh wars ended in 1849, employment of Sikh armies ceased, it reopened after 1857 when the Punjab regiments proved crucial in saving the British power during the Indian Rebellion. Families with multiple sons often sent their younger sons abroad for military/police service, while keeping at least another son to maintain the family line in the village. The remittances abroad were sent home to help preserve family landholdings, pay off mortgages, and even expand the property. China and Malay states were primary destinations for the British Empire's expanding interest in security services there. The British, based on their "martial race" theory, encouraged young Punjabi males from rural areas to pursue the well-established pattern of employment in security.[12] This tag was exclusive to the Sikhs, which rendered the colonial authorities keen to employ them over other ethnicities.[13]

It was relatively easy for Sikhs to decide whether to work in the military, in the police, or as a private watchman. They had fewer opportunities to be deployed outside India, perhaps for the British's enduring fear that the Sikhs would ignite mutiny in their own army.[14] But had the recruitment been unaffected by the Indian Mutiny, the Sikhs would still have opted for security occupations overseas. By the turn of the twentieth century, an Indian Army soldier could earn 84 rupees a year. This is much more than what they could gain by agriculture, but the income was dwarfed when compared to policing overseas. Compared to the military, wages working as a policeman in China and the Malayan states would be three to six times higher.

Singapore police	Hong Kong police	Shanghai police	Indian army
Rs. 272/year	Rs. 377/year	Rs. 525/year	Rs. 84/year

Table 1: Annual salaries of Sikh policemen and soldiers, 1900[15]

Watchmen were another occupation that the Indians, dominated by Sikhs, sought for, during the period.[16] The number of watchmen privately employed roughly matched those employed as policemen in Hong Kong, Shanghai, Hankou, and other Chinese cities.[17] In Shanghai, the wages

[12] Ibid., 73-75.
[13] Yin Cao, *From Policemen to Revolutionaries: A Sikh Diaspora in Global Shanghai, 1885-1945* (Leiden: Brill, 2017), 74.
[14] Ibid., 38; see also Streets, *Martial Race*, 65; Kaur, *Sikhs in the Policing of British Malaya and Straits Settlements (1874–1957)*, 13–14; Roy, *Brown Warriors of the Raj*, 98.
[15] Cao, *From Policemen to Revolutionaries*, 66.
[16] Note that not all Indians serving as policemen and watchmen are Sikhs. For instance, Muslims from Punjab also were employed to perform such occupations. Nevertheless, Sikhs dominate in the Shanghai Municipal Police: See Cao, *From Policemen to Revolutionaries*,10 (n. 31).
[17] Madhavi Thampi, "Indian Soldiers, Policemen and Watchmen in China in the Nineteenth and Early Twentieth Centuries," *China Report* (New Delhi) 35, no. 4 (1999): 427.

of Indian watchmen were a little lower than those of their fellows in the Shanghai Municipal Police (SMP), with 15 Mexican dollars per month for a Sikh watchman as compared to 18 Mexican dollars for a constable.[18] There was no account of the exact numbers Indian watchmen earned at the turn of the 19th and 20th centuries. Brief accounts in law reports suggest that the income of watchmen in Hong Kong in early 1910s was around $16 per month.[19] Still, it can be certain that there is a discrepancy between the income of watchmen and police as well in Hong Kong, as some watchmen were former policemen who had been dismissed for the reason generally considered by the British as "bad characters".[20] This would have indicated that the optimal choice for Indians, Sikhs in particular, would still be policemen in large cities. But it is certain that the pay would be much more promising than serving in the army.

In Hong Kong, due to the compounding push and pull factors such as the need for more income and employment advantages cultivated by the perception of martial race, the number of police and watchmen in Hong Kong steadily increased over the years. Until the 1910s, the number of non-Chinese watchmen (predominantly Sikhs) roughly paralleled the number of Chinese.

Year	Chinese Watchmen	Non-Chinese Watchmen
1901	177	202
1911	389	388*
1921	597	391
1931	1027	465

* All of which are Indian. See *Hong Kong Government Reports Online (1842-1941*) (Hong Kong: University of Hong Kong Libraries, 1999), Reports on the Census of the Colony for 1911, 103(59).

Table 2: Number of Watchmen in Hong Kong[21]

Indian watchmen are treated collectively in contemporary historical literature with other groups, with few treatments of an independent identity. Sometimes together with the Indian police, sometimes with the Chinese watchman.

The collective identity with Chinese watchmen is wrong. The District Watch Force of the Chinese is an institution with its own history and organization that operates distinctively from the works undertaken by the Indians. Formed in 1866, it was established as a response to the Chinese community's petition that the regular police were ineffective due to language barriers and cultural differences.[22] There were early oppositions and challenges, including the jealousy within the

[18] "Gurdah Singh v. F. Mann," *North China Herald*, Oct. 26, 1894; *The Minutes of Shanghai Municipal Council (Vol. 10)*, 759.

[19] See, for example, "Summary Court: Judgment Accepted," South China Morning Post (Hong Kong), October 8, 1913, 3, in which a Sikh watchman in a money deposit dispute testified his monthly wage.

[20] Thampi, *Indian Soldiers, Policemen and Watchmen in China*, 428.

[21] Sheilah E. Hamilton, "Pirates, Ships Guards and Shore Watchmen," in *Watching Over Hong Kong: Private Policing 1841-1941* (Hong Kong: Hong Kong University Press, 2008), 102.

[22] Hamilton, *Watching Over Hong Kong*, 40.

Chinese community over the control and powers. But the Force experienced expansion and government control, and in 1890, a twelve-man committee of prominent Chinese was established to oversee the operations. By 1897, District watchmen were placed on police beats under police supervision.

In essence, the District Watch bears more characteristics of Chinese community service than mere policing: their duties were more diverse than those normally devolving upon the regular police by law or custom. For instance, as early as 1868, it was reported that the "Head District Watchmen from their age and authority are often accepted as arbiters of perplexing disputes". In 1935, the Secretary for Chinese Affairs wrote, "It is not generally realized that in addition to their normal ordinary police duties, the District Watch carry out a great deal of useful investigation in purely civil cases, wages and family disputes."[23]

The day-to-day running force was left mainly in the hands of the Head District Watchmen and their aides, and all the clerical work was done in Chinese. When a meeting of the Committee meets, it usually has more important matters to discuss than the routine doings of the force. It became no surprise that the Secretary for Chinese Affairs was pleased to write in 1918 that "the loyal advice and assistance of this important Committee (which deals with every kind of question affecting the Chinese community) continues to be of the greatest value to Government."

The Indian watchmen's obligations, as compared, are more conventional. Their works primarily center around maritime shipping. They were employed in Butterfield and Swire Quarry Bay dockyards as the company's own security force, which was exempt from police regulations. Apart from that, they were employed as ship guards and undertook anti-piracy duties. The 1914 Piracy Prevention Ordinance required ships to carry armed guards, who should be non-Chinese. Their duties included assisting police in searching passengers, baggage, crew, and cargo, and preventing weapons from being smuggled aboard. They have almost the same power of search as the police while being subject to the directions of the captain superintendent of police. On the land, by 1919, the police were supplying 140 shore guards to land-based companies, mainly Indians, who were supplied to land-based organizations. By 1924, approximately 434 shore guards were engaged. Some around 50 Indian men became Lewis Gun Guards between 1924 and 1930, who were used for river steamer convoys and to supplement the police in the New Territories.[24]

Besides their employment in private policing, for many Indian watchmen, moneylending was an important secondary source of income. However, there were occasional disputes with local people from time to time. Scandals of Indian police and watchmen centered on moneylending as well.

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[23] 'THE CHINESE EXECUTIVE COUNCIL OF HONG KONG.'" *Journal of the Hong Kong Branch of the Royal Asiatic Society* 11 (1971): 124.

[24] Shelia Hamilton "Pirates, Ships Guards and Shore Watchmen." In *Watching Over Hong Kong: Private Policing 1841-1941*, 93–112. Hong Kong University Press, 2008.

The most notorious in Hong Kong was in 1897-98, when it was alleged that a large number of police were on the payroll of various illegal gambling houses. Francis Henry May, then the Captain Superintendent of the Police, who later became the Governor of Hong Kong, speedily dismissed nineteen Indian policemen as a result of the scandal.[25] Nevertheless, until the 1920s, it was not uncommon to see newspapers reports of moneylending disputes with at least one party being Indian watchmen.[26]

3. Law and Legislation in Colonial Hong Kong, 1900s-1920s

It is important to discuss briefly the legal system of colonial Hong Kong and the legislation process before delving into the Ordinances in question.

The Hong Kong Legislative Council in the first two decades of the 20th century is, based on the constitutional documents, in a state of double-subordination under the governor and the imperial government. The Governor was in a very strong position compared with the Legislative Council.[27] He could nominate an unofficial member of the legislature, set the legislative agenda, and agree to the introduction of Bills. The Crown also had the power to disallow any ordinance passed by the Legislative Council and assented to by the Governor of Hong Kong. When the *Charter* was revoked and replaced by the *Letters Patent*, clause X provided that: "We do hereby reserve to Ourselves, Our Heirs and Successors, full power and authority to disallow, through one of our principal Secretaries of State, any such law as aforesaid. Every such disallowance shall take effect from the time when the same shall be promulgated by the Governor in the Colony." The wording was not altered in the revision of the *Letters Patent* in 1917.[28]

The double-subordination reinforced the Legislative Council's position as an advisory body to the executive branch rather than an independently run parliament. By the 1920s, the composition of the Legislative Council was eight official members, 6-7 unofficial members (appointed by the governor), and sometimes provisional members.[29] In general, there would be few hurdles if a governor wished to pass a bill, and the legislative process would be relatively speedy.

Thus, whether to pass legislation depended on, firstly, the discretion of the governor; and secondly, the will of the British government. Nevertheless, the former power was much more influential on the final legislative outcome in Hong Kong than the latter, as it was neither possible for the government in London to overhaul so meticulously all legal matters in the colony, nor would it be

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[25] Thampi, *Indians in China*, 425.
[26] See for example "Indians at Law: Money-Lending Case in Court," South China Morning Post, August 2, 1923, 1, ProQuest Historical Newspapers: South China Morning Post.
[27] Ure, Gavin. *Governors, Politics and the Colonial Office: Public Policy in Hong Kong*, 1918-58. 1st ed. Hong Kong: Hong Kong University Press, HKU, 2012.
[28] N. J. Miners, "Disallowance and the Administrative Review of Hong Kong Legislation by the Colonial Office, 1844-1947," *Hong Kong Law Journal* 18, no. Part 2 (1988): 218-19.
[29] University of Hong Kong, University Libraries. *Hong Kong Government Reports Online* (1842-1941). Hong Kong: University of Hong Kong Libraries, 1999.

politically feasible to very frequently disallow legislation passed by the colonial government . This role of checks-rather-than-determining is further evidenced in the correspondence between the Colonial Office and the Hong Kong government, where the Colonial Secretary would only "raise no objections" to the matter in Hong Kong, instead of "approve" or "allow" some policy to pass. The ultimate decision maker was still is the governor. As Alexander Grantham wittingly described it, "In a crown colony, the Governor is next to the Almighty. He is deferred to on all occasions. It is always 'Yes, Your Excellency, Certainly, Your Excellency'."[30]

Decision-making in this sense boils down to forces that affect the reasoning of the governor, including the Legislative Council members and the Colonial Office. But sometimes a third factor influenced the legislative process in Hong Kong, that is, the regional intelligence.

Records show that the Indian government directly or indirectly approached Hong Kong on issues of sedition, deportation, and other matters. Most notably, information that ended up on the table of the Governor of Hong Kong was prepared by the intelligence unit of the Indian government. There was a rapid expansion of the intelligence network since 1916, when the war broke out, initially intended to monitor the moves by the Germans and Japanese in China.[31] David Petrie, who would later become the head of MI5 during the Second World War, assumed the post of Indian Intelligence Officer for the Far East. Headquartered in Shanghai, a region-wide apparatus was created by him to report on Indian sedition, which included agents for Hong Kong, Japan, Siam, the Dutch East Indies, and the Philippines.[32]

4. Politicization of Indians

> *"I saw you talking to him about something, and then you let him go. What did you say to him?" A chief inspector, seeing Ah San standing there dumbfounded and not knowing what to say, continued: "What did you say to him? Have you forgotten your duty?" He... he said he wanted... he wanted China's liberation," Ah San told as if he had lost his soul. "He has no crime... "Ah ha, you dog, you're also a Bolshevik now!" The chief inspector raised his hand and ordered the Russian policeman, "Take this dog away!" Ah San, who had never understood what a Bolshevik was and had never dreamed that he would receive the title of Bolshevik, was now taken away like a prisoner and locked up in the Western jail. The phrase "Take the dog away!" instantly shook Ah San's dull mind into intelligence, and so he understood what a Bolshevik was.*[33]
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> Extract from *Ah San*

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[30] Ure, *Governor, Politics and the Colonial Office,* 15.
[31] Antony Best, *British Intelligence and the Japanese Challenge in Asia, 1914-1941* (Basingstoke: Palgrave Macmillan, 2002), 33.
[32] Ibid., 31.
[33] Translated into English from Jiang Guangci, "Ah San," in *Xiandai Zhongguo Zuojia Xuanji* [Selected Works of Modern Chinese Writers], ed. Literary Publishing House (Shanghai: Literary Publishing House, 1932), 216-221. Ah San is a Shanghainese colloquial appellation to the Sikhs police and watchmen in International Settlement.

A short story by Jiang Guangci
Member of the League of Left-Wing Writers

> *Oh Brother, do not fight in a war against the Chinese. Beware of the enemy. He should not deceptively instigate you to fight your Chinese brothers. The enemy splits brothers and makes them kill each other. The people of Hind, China and Turkey are real brothers. The enemy should not be allowed to besmirch their brotherhood.*
>
> Poem in *Ghadar ki Gunj*,
> a publication widely circulated among
> Indian soldiers and policemen in China around World War I[34]

Political activities in China among Indians, which the British labelled "sedition", began in the years immediately preceding World War I. Madhavi Thampi identified three factors that may contribute to the politicization: First, personal experience of racial discrimination and humiliation, second, the spread of the national movement in India, and third, the growth and spread of the national movement in China and the anti-imperialist struggle there and in other countries. She also identified three phases: the first is the early twentieth century to the end of World War I; the second, between the two World Wars, peaking in the late 1920s; and the third covering the years of the Japanese invasion of China and the Second World War.[35]

If the latter two factors provided the context for the politicization, the most importan factor may have been the white supremacy policies by Britain, Canada, and United States.

In Canada, the Asiatic Exclusion League was formed in Vancouver in August 1907. Mass riots outraged in the same year. When the British government suggested that the Indian government follow the Japanese in using passports to prevent Indians from migrating to Canada, the Government of India sent a strongly worded telegram advising that it would not take steps to prevent Indians from migrating. It considered any action in the direction of taking general powers of restriction by legislation will be subject to severe criticism given the present state of feeling in India.[36]

Note that this experience is shared by Indians and bears the nature of a global and transoceanic event, or, to put it in Renisa Mawani's words, an experience which joined seemingly distinct histories, regions, and legalities into a racially uneven whole.[37] Almost simultaneously, through the connection of ships on the Indian and Pacific Oceans, Indians were politicized at home, on the

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[34] Thampi, *Indians in China*, 179.
[35] Ibid., 180.
[36] Henry Reynolds and Marilyn Lake, *Drawing the Global Colour Line: White Men's Countries and the Question of Racial Equality*, 1st ed. (Melbourne: Melbourne University Publishing, 2008), 307-308.
[37] Renisa Mawani, Across Oceans of Law: *The Komagata Maru and Jurisdiction in the Time of Empire* (Durham: Duke University Press, 2018), 16.

North American continent, and at ports in between, including Hong Kong and China. There seems, as opposed to Thampi's proposition, to be no sole trigger, but spontaneous across the sea and across the continent, communicated by the diaspora and catalyzed by the increasingly rapid spread of publication among the vastly scattered community, of which Hong Kong is a nexus. In Canada, the Canadian Government drastically curtailed Indian immigration. In the United States, a "strained application" of existing law was designed to control the Indian influx. In Punjab, agitations led by urban leaders resulted in the authorities' deportation of the "trouble makers".[38]

Meanwhile, Hong Kong played a pivotal role in invigorating the politicization as an "in-between" colony of space and time. It was where Indians arrived, stayed, and set off again across the Pacific Ocean. It was where many, including passengers on the *Komagata Maru*, who were refused entry to Canada, set off.[39] It is also where there are a large number of Indians dwelling, rather than having a temporary makeshift stay where a stable network of dissent may be developed. It became no surprise that when a Ghadar network was formed from 1914 to 1915 with branches across Asia[40], Hong Kong was regarded as a center of operation for the Ghadar Party for its large Indian Contingent. By 15th January 1915, the Indian Contingent had present 2 Jemadars, 3 Sergeant-Majors, 40 Lance-Sergeants and 382 Constables, with the Sikhs and Mahomedans constituting about equal proportions.[41] One of the Ghadar Party's policies was to spread such ideology amongst the Contingent, which they regarded as a driving force for the independence movement.

5. Drafting Indian Watchmen Ordinance, 1917

The Ghadar Party advocated that these servicemen could be the backbone for revolution in India if the party could win over their loyalty to the British.[42] From late 1914 to 1915, a Ghadar network was formed with branches across Asia, with Bhagwan Singh leading the operation in Shanghai, Manila, Hong Kong, Hankou, Singapore, Yokohama, the Malay States, and Bangkok. [43] Compounded by the consideration that the British military forces were trapped in the tumultuous warfare in Europe, and the *Komagata Maru* incident, the Ghadar Party believed it was a golden opportunity to incite a revolution.[44]

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[38] Shalini Sharma, *Radical Politics in Colonial Punjab: Governance and Sedition* (Milton Park, Abingdon, Oxon: Routledge, 2010), 18.
[39] Seema Sohi, *Echoes of Mutiny: Race, Surveillance, and Indian Anticolonialism in North America* (Oxford: Oxford University Press, 2014), 134-151.
[40] Ibid., 110.
[41] "Unrest among Indians in Hong Kong. Desirability of appointing an Indian police officer to check sedition and to inform the Criminal Intelligence Department of what is going on," *Home Department Nos 121-125* (1915), p. 4, National Archives of India, Identifier: MF_222400059175.
[42] Yin Cao, *From Policemen to Revolutionaries: A Sikh Diaspora in Global Shanghai*, 1885–1945, vol. 30 (Leiden; Boston: Brill, 2017), 109, https://doi.org/10.1163/9789004344075.
[43] Ibid., 110.
[44] Ibid., 111.

The Colonial Government responded promptly to this "sedition sentiment". Concerns of Hong Kong playing a role in the Indian sedition spread amongst officials of the government as early as 1914.[45] As F. H. Kelly, General Officer Commanding of the South China Command wrote to the Secretary of the War Office, "there seems no doubt that there is a very strong anti-British feeling among the Indian Police, the Indian Watchmen and the Indian residents here generally. From a military point of view this constitutes a real danger, more especially when practically the whole garrison is Indian."[46]

Several solutions were proposed, among which an idea was formulated to introduce high-ranking police personnel. The government of Hong Kong rejected such an idea. Francis Henry May, now governor of Hong Kong, wrote that "I am not at present prepared to take up the question of attaching an officer of the Indian Police Service to the Hong Kong Police, as suggested by Colonel Moberly. The innovation would be expensive at present as there is no vacancy for an Executive Officer." "Both the Captain Superintendent of Police and I myself would welcome the arrangements suggested by lieutenant-colonel Moberly for the recruiting of sepoys from the Indian Army for the Hong Kong Police, and for the recruiting and control of watchmen for private employment in the Colony."[47]

Instead, some prototype ideas for an Ordinance regulating the Indian Watchmen were put forward in 1915. It was suggested that the enlistment of the police here, or service as watchmen, should be restricted to men who have done at least 3 years' approved service in the Indian Army and who are specially recommended by their Commanding Officers. With such legislation, the advantages would be that Hong Kong can have "a better class of men". Legislation would also be necessary to ensure that all Indian watchmen here should be approved and licensed by the Government, this would enable the Government to restrict employment to whom they pleased.[48]

By 24th February 1915, the Colonial Office and the Governor of Hong Kong both concurred on the desirability of having an Indian Police Officer to check sedition and inform the Criminal Intelligence Department of what was going on.[49] On 28th January 1915, Bernard Cubitt, then Under Secretary of State for the Colonies, considered it was imperative for the suppression of "seditious influences at work in the Colony amongst the Indian community"[50]

A key debate during the drafting period is its implications. Though it was agreed that "it is desirable to exercise control over Indian watchmen in Hong Kong to prevent them from participating in the

[45] Colonial Office, Hong Kong, Original Correspondence, CO 129/415, National Archives, Kew. Hereafter CO 129/415.
[46] Ibid.,7.
[47] Ibid.,11.
[48] Ibid., 14.
[49] Ibid., 5.
[50] Ibid., 6.

political propaganda at the Sikh Temple there." [51] But officials disputed over whether the Ordinance would impose a check on the "seditious sentiment" or would eliminate the Indian watchmen from Hong Kong altogether. The government was aware that "if clauses 4 and 5 are to be used in such a way as ordinarily to exclude Indians from employment as watchmen, the Ordinance in effect amounts to an Emigration restriction law directed against the admission of at least one class of Indians. To such a law we objected in July 1913 as being opposed to the Emigration policy hitherto followed by the Government of India. The Indian Army Department dismissed the objection concerning emigration. It argued that the watchmen may not now leave India owing to the operation of the Defence of India Notification of 12th March 1917, which prohibits the emigration of labourers generally.[52]

Secretary of State for India responded that "On the whole, we may agree to the Ordinance being passed, provided that Indians are not mentioned and that it is used for the purpose of only exercising effective supervision over watchmen who might otherwise get themselves mixed up in politics and not of arbitrarily eliminating them from Hong Kong. The Governor's letter of 17th April 1917 speaks of "gradual elimination." This would seem to suggest that new entrants will not be received, but the men already employed in Hong Kong will be allowed to serve out their current agreements.

The Governor of Hong Kong was of the opinion that the Ordinance would effect the gradual elimination of Indian watchmen, which he considered desirable as far as Hong Kong is concerned. Specifically, Clause 8, which prohibits money lending on the part of the Indian watchmen. "This prohibition might discourage the Indians employed as watchmen from staying in Hong Kong and deter others from going there on the ground that there is nothing to be made out of the business, but the remaining terms of the Ordinance would appear to be rather encouraging than discouraging and in favor of the well-behaved and honest worker."[53] J. H. Du Boulay, Private Secretary to Viceroy of India, opposed the special restrictions on racial grounds.[54] Good research here.

There is apparently a discrepancy between what the colonial government intended (the main principle is to constitute specifically an Indian Watchmen Force with what seem to me to be considerable privileges in respect of pay and repatriation), but the impact may be to exclude all the Indians from such occupation.

From the Indian colonial government's perspective, "the advantages certainly outweigh the restrictions."[55] On the other hand, May was tactfully opposed to the enactment of this bill. In his

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[51] "Proceedings of the Dept. of Commerce & Industry for the month of December 1917, regarding a draft ordinance of the registration and regulation of Indian watchmen in Hong Kong," Home Department February 1918 No 46 (1917), p. 5, National Archives of India, Identifier: MF_222400062646.
[52] Ibid.
[53] Ibid.,2.
[54] Ibid., 3.
[55] Ibid., 7.

letter to the Consul-General of Shanghai, he stated that: Indian watchmen without grounds for deportation but who lose their jobs might become destitute or drift to Chinese coastal ports seeking work. Outside the colony, they could pose a greater danger than here, except at Tientsin where Indian troops could be contaminated.

David Petrie, now holding an official post as Indian Consul-General to Shanghai, however, favored the imposition of the ordinance. He responded to the concerns of May by stating that

> "I think, therefore, it would be worthwhile to proceed with the measure. Efficient control even in a limited area is better than no control at all. Hong Kong may often be largely dependent for its protection on an Indian garrison, and past experience has shown clearly that Indian troops in the colony may be easily contaminated by the disaffected rabble who surround them. It is worthwhile trying to reduce the risk of contamination to the lowest possible limits… As regards the question of the number of disaffected Indians being driven into the China coast ports, neither Sir Everard Fraser nor Captain Barrett is much disturbed by this risk. They do not think that the introduction of the new law will involve any great landslide of undesirable Indians from Hong Kong to China. Again, during the period of the war, you are entitled to deport to India any persons considered dangerous, while after the war their coming to China will matter less, especially if the Hong Kong police will see that due notice and full particulars are given of all undesirables who are about to leave the colony."

Presumably the ultimate decision was made by May himself. In their correspondence to the Secretary of State for India, civil servants stated that any such criticism (on the grounds of racial distinction) "would be of little weight, as the advantages conferred on Indian watchmen by the Ordinance seem to outweigh the restrictions imposed by it." "We do not, however, wish to press the point if the Government of Hong Kong desires to promulgate the Ordinance in its present form."[56] The Bill was approved by the Secretary of State for the Colonies, Walter Long.[57] Interestingly, though, the correspondence records on the matter end here with unclear reasons why, despite the approval from both the Colonial Office in London and the Government of the British Raj, no further actions were taken by the Hong Kong government to seek legislation. Hamilton in her book *Watching Over Hong Kong* provided a simplistic account of the event, stating that "it was probably wise to let this matter drop since the registration of Indian watchmen would prove to be a thorny question when it was addressed a dozen years later."[58]

It is known that the government opted for an administrative method instead of placing the bill on the table of the Legislative Council. This is evidenced in J.H. Kemp, then attorney-general's remarks in 1928 concerning regulating the watchmen. He stated that in the year 1917 the Captain

[56] Co 129/451 630.
[57] Co 129/451 631.
[58] Hamilton, *Watching Over Hong Kong*, 105.

Superintendent of Police inaugurated a system of supplying watchmen to private employers which begun with 20 men. The numbers increased yearly and at the end of 1927 about 600 watchmen were so supplied.[59] It is unclear what the "scheme" Kemp was referring to actually was. However, it may well serve as evidence that *for some reason* the government opted for a quieter method of regulation.

A possible explanation for the relaxing of restrictions is that India's massive war efforts had made a major impact in the Imperial Conferences of 1917 and 1918 and held out the prospect of the future Dominion status, responsible government and the removal of discriminatory legislation in the white Dominions, which had aroused such nationalist anger in India itself. The question of the status of the Indian diaspora came to a crisis at the Imperial Conferences of 1921 and 1923. Australia, New Zealand and Canada, with their small Indian communities, promised to remove offending legislation and grant Indians the franchise, a reform that took place in 1924.[60]

The discretion of the governor endowed by the *Patent* may also be a factor. An observation made by Norman Miners was that the policy of recruiting the majority of the police from the colony seems to have been due more to the prejudices of successive governors and captain superintendents of police than to any objective considerations of the capabilities of local Chinese police officers.[61] Likewise, it would not be so surprising that Francis Henry May, who himself climbed up the bureaucratic ladder from the police sector and who once held the post of Captain Superintendent and Superintendent of Victoria Gaol for 8 years and 6 years respectively, would rather respond from the standpoint of the police. Whereas Reginald Stubbs, the subsequent appointed governor who has worked in Colonial Office in Whitehall for more than a decade, inclined not to address from police, but rather from policies. Under his government in March 1921, for example, the Hong Kong Police detained an arriving Indian who was a dismissed warder from Shanghai. This time, they directly deported this man back to Shanghai and asked the shipping company to collect the fees from the Shanghai Municipal Government.

6. Deportation Ordinance

Deportation was one of the most prevalent means of criminal punishment in colonial Hong Kong. In 1922, a total of 918 convicted prisoners and other "undesirables" were banished under the Deportation Ordinance.[62]

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[59] Hong Kong LegCo Hansard, 27th October 1927.
[60] Lake and Renolds, *Drawing the Global Colour Line*, 327.
[61] N. Miners, "The Localization of the Hong Kong Police Force, 1842–1947," The Journal of Imperial and Commonwealth History 18, no. 3 (1990): 296-315.
[62] Munn, Christopher. "Our Best Trump Card: A Brief History of Deportation in Hong Kong, 1857–1955." In *Civil Unrest and Governance in Hong Kong*, 1st ed., 1:26. Routledge, 2017.

As compared to other punishments, it is a more effective method to address the congestion in Prisons by ridding the colony of nuisance, large and small.[63] The Deportation Ordinance granted the Governor executive power and overrode the judicial procedure. Even though the courts could recommend deportation, they were only involved when a deportee was prosecuted for returning prematurely or when a person challenged with a *habeas corpus* writ.[64] It was described by Chief Justice Francis Piggott in an unsuccessful *habeas corpus* that it conferred "the most absolute powers" on the Governor in Council, "directly the Legislature sanctions the exercise of arbitrary power".[65]

In the "Indian sedition" campaigns, the Ordinance would plug legal loopholes to extend the government's powers to "aliens", "British subjects", and even "British subjects born in Hong Kong".[66] In the case of *Li Hong Mi v Attorney General and Others*[67], the defendant sought to set aside a deportation order made against him. Li Hong Mi was a British subject born in Penang who had been employed for over 33 years as an interpreter in the Courts of Hong Kong. Since retirement on a pension, he was employed by local firms and solicitors from 1909. The Chinese politicians in Hong Kong complained that he was a central figure in a web of champertors, touts, and scoundrels attempting to subvert the courts of justice. Holding the allegations true, May intended to issue a deportation order against Li after enacting legislation to enable him to deport British subjects.[68] However, there was no ready method to deal with Li. Prosecution was infeasible, as Li and those who had abused the courts were experts in covering their tracks, intimidating witnesses, and fabricating evidence. The existing deportation ordinance granted May draconian powers to deport any Chinese resident and unregistered British subjects born in Hong Kong with foreign parents. He could also order any person to leave the colony, albeit the deportation of an ex-interpreter under such an order would be completely futile.[69] He wrote to the Colonial Office for instructions, with the reply that he should confine the legislation to the abuse he wished to address. In October, the Ordinance was reenacted that empowered the Governor in Council to deport any one, regardless of nationality who deemed guilty of any criminal offence, or of any misconduct, connected with the preparation, commencement, prosecution, defence or maintenance of any legal proceeding, or the sharing in the proceeds thereof, or the settlement or compromise thereof, or the obtaining or preparation of evidence in anticipation thereof or in relation thereto.

Li petitioned before the full court of the Supreme Court. The Full Court nevertheless still finds the Ordinance not repugnant to the provisions of any Act of Parliament extending to the Colony and

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[63] CO 129/469, 50.
[64] Ibid., 27. See *In the Matter of a Petition of Li Hong Mi* (1917) 2 HKLR 54.
[65] Ibid.,33.
[66] Ibid.
[67] (1918) 13 HKLR 6.
[68] See the facts in Christopher Munn, "Margins of Justice in Colonial Hong Kong: Extrajudicial Power, Solicitors' Clerks, and the Case of Li Hong Mi, 1917-1920," *Law and Humanities* 11, no. 1 (2017): 102–20.
[69] Ibid., 103.

dismissed the action on the ground that the Deportation Ordinance 1917 was not *ultra vires* the legislature of the Colony. This was the "first time in the history of British colonial legislation that a natural-born British subject was made liable to absolute and unconditional banishment to any place," remarked C.G. Alabaster, counsel for Li.[70]

The appeal went all the way to the Privy Council. The Privy Council took a different approach, focusing on statutory interpretation rather than the *ultra vires* challenge. Viscount Haldane, who delivered the judgment, held that the real question on the appeal is whether the order made against the appellant conformed to the procedure directed by the Ordinance itself. If it cannot be shown to have been in conformity with these provisions, interpreted with the strictness which is required where the liberty of a British subject is concerned, the deportation cannot be justified. Based on his interpretation, a person, as Li, who has merely been "reputed, however justly," would satisfy the requirement that "a person who has been guilty of a specific offence or specific misconduct". Therefore, the Privy Council allowed Li Hong Mi's appeal. Nevertheless, Viscount Haldane confirmed that the colonial government could legislate freely "even to the extent of altering the common law and such statutes of the Imperial Parliament as have not been made applicable to the Colony."[71]

Even though there were no further attempts made to deport Li Hong Mi or any other champertors of British nationality[72], the Ordinance itself is intact and underwent multiple amendments in the 1920s. This time, however, the implicit coercion targeted the Indians. An amendment was passed on 8th September 1921, where another exception to non-deporting any British subject was added. Any British subject who "in the opinion of the Governor in Council has acted, is acting, or is about to act, whether within or without the Colony, in a manner prejudicial to the public safety, or to the defence, peace or security of His Majesty's dominions, or of any party thereof, or of any territory which is under His Majesty's protection".[73]

In his correspondence to the Colonial Secretary Winston Churchill, Governor Stubbs admitted that the amended Deportation Ordinance, where Section 3(b) gave the Governor in Council very extensive powers of deporting British subjects, would mean primarily for use in a special class of cases- that of the undesirable Indians. He concluded that "For obvious political reasons it was very undesirable to insert any specific reference to Indian in the Ordinance, and after consultation with the Government of India, the course adopted seemed most suitable for securing the ends in view"[74] Implicitness was re-emphasized In his letter dated 8th September, 1922 to the Governor of Hong Kong the Viceroy of India stressed that Indians should not be specifically mentioned in this connection. Specifically, in Colonial Secretary Claude Severn's dispatch to the India Office, he

[70] Ibid., 116.
[71] *Li Hong Mi v A-G for Hong Kong* [1920] AC 735.
[72] Munn, *Margins of Justice in Hong Kong*, 118.
[73] CO 129/469, 144.
[74] CO 129/469, 142-148

mentioned a Sikh named Mokand Singh. Mokand Singh was born in Telewal of Patiala State in Pubjab. From 1st June 1918 to November he was a Jemadar of Sikh Police in Amoy. Unsatisfied with his dismissal from service, he went to Shanghai and was employed as a watchman until February 1920, when he was again dismissed. He became a "continual source of trouble to police in Shanghai", where his chief offences were trafficking in women, assault, and drunkenness. Fearing revenge by another Indian whom he had swindled over the sale of a woman, he fled from Shanghai to Hong Kong and was later deported to India.[75] Severn opposed strong opposition by the Indian Government, arguing that "there is no racial issue involved. The section to which objection is made is not confined to any race or class, and I am strongly of the opinion that no good ground has been shown for modifying section 3 of the Deportation Ordinance, 1921, in the manner indicated."[76] Nevertheless, he still stressed that the existence of the "undesirable Indians" would aggravate the conditions in a Colony having a considerable body of Indian troops and dismissed Police, Gaol Warders, Guards, and Watchmen, "in whom any predisposition towards political disaffection has the additional incentive of a personal grievance against the Government."[77]

The Indian Government's protest to London was ultimately successful. On 22nd December 1922, the Colonial Office decided that the Deportation Ordinance would not be disallowed. However, the Governor of Hong Kong should exercise powers under it "very sparingly and only in cases of returned deportees or persons who have completed a term of imprisonment".[78] Hence, the main purpose of the amendment of deporting British subjects without trial is in effect rejected.

With two consecutive rejections by both the judiciary and administrative overhaul in London within 2 years, the Hong Kong Government was strapped with the question of how to control the Indian population. Undoubtedly, a total restriction like Canada is unfeasible considering the large numbers of the existing Indian population in Hong Kong, and undesirable considering the high demand for Police and Watchmen. The more possible passive deportation campaign was unsuccessful, given the restrictions that a British subject could not be deported without a breach of Hong Kong law.

7. Watchmen Ordinance, 1928

It is in this dilemma that the Watchmen Ordinance 1928 was put forward. If a British subject could not be deported without a conviction under Hong Kong law, then a Governor could still utilize his discretionary legislative power to make laws more stringent to both surveil the Indians and make laws easier to breach. But this time, the Governor needed to be careful that the nature of coercion

[75] *Papers Regarding the Hong Kong Deportation Ordinance, 1921*, 47.
[76] CO 129/469, 142-148
[77] *Papers Regarding the Hong Kong Deportation Ordinance, 1921*, Department: Home Political, Branch: NA, Year: 1923, Digitized Collection: Digitized Document, Held by: National Archives of India, 44.
[78] Ibid., 63.

in the legislation should not be explicit enough to raise any objections from the Indian Government, the Colonial Office in London, the Indian community in Hong Kong, and not be too draconian or discriminatory that it may be under scrutinize to judicial review.[79]

The reports of David Petrie added to the urgency of legislation in Hong Kong. In 1928, he noted extensive disaffection among the Sikh watchmen class at Hankow, and publications of the Hindustan Ghadar Dhandora party have wide circulation among the watchmen in Canton and other centres who receive and distribute this literature[80]. This most likely included Hong Kong. Further, Ghadar Party appointed agents among the troops at Hong Kong and Shanghai.[81] Situations went very similar to 1917, and the Hong Kong Government no doubt attributed the threat once again to the Indian non-military community.

With these considerations by the Hong Kong Government in mind, it is easier to explain the legislation of an ordinance for watchmen in the 1920s.

The officials in Hong Kong downplayed the implications of the legislation with multiple layers of justifications. First, the Attorney-General J.H. Kemp emphasized in his report that the scheme that the Ordinance proposed was nothing new. The Ordinance and regulation, he argued, are on the whole intended to embody the formerly existing scheme with only one important exception, that in the future no unregistered person will be allowed to act as a watchman. He said, and repeated in his speech in the Legislative Council, that in the year 1917, the Captain Superintendent of Police had already inaugurated a system of supplying watchmen to private employers. According to him, the existing scheme is prevalent that with the exception of the Kowloon and Taikoo Dock Companies, most of the principal employers of watchmen get their men through the police. The system had grown to such an extent that it seemed desirable to regulate it by Ordinance. He then stressed the benefits of regulation by the police so that individual employers can select the best men and weed out the less desirable ones. "The employer also got the advantage of police supervision and control, and better discipline was kept with less trouble to the employer."[82]

Then, Kemp set out to deal with the tricky issue of the immunity of the Chinese under the Ordinance. The legislation is evidently lenient on the Chinese District Watchmen as section 4(d) provided that watchmen of Chinese race shall not be subject to the Ordinance, "unless allowed by the Commissioner of Police to register themselves in the watchmen's register". His answer was

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[79] W.T. Southorn, Colonial Secretary of Hong Kong stated that "One of the earliest reasons leading to the initiation of this legislation was the desirability of finding some method to control the political and seditious activities of Indians whose most dangerous agitators are to be found as a rule in the ranks of the Indian Watchmen." See Hong Kong Watchmen Ordinance 1928 (No. 6) 1928, Department of Health, Education and Lands, Emigration Branch, 1928, 24, National Archives of India, Digitized Document.

[80] Ibid.,69.

[81] Ibid.,35.

[82] The Hong Kong Watchmen Ordinance 1928 (No. 6) 1928, Department: Health, Education and Lands, Branch: Emigration, Year: 1928, Digitized Collection: Digitized Document, Held by: National Archives of India, 11.

that it is simply impossible to supply and supervise all persons of the Chinese race employed to protect property, prevent crime, or maintain order. This is not completely unfounded but relatively weak since institutions like the District Watch Committee already had supervision over the Chinese.

This time, the Government of India and the Colonial Office made no objections to the bill.[83] But Indians objected. They argued that the bill was a negation of the individual right of bargaining with regard to one's services. Police training would make considerable inroads into the time and pay of watchmen, and the prohibition against money lending would be a great hardship.

However, the Ordinance received severe objections from the Indian community. After the first reading of the Ordinance, a group of Indian watchmen led by Basant Singh, Kahair Singh and Sapooran Singh, claiming to represent themselves and 300 Indian Watchmen in Hong Kong. The grounds of the petition boil down to the following factors. First, the legislation would have an impact on a considerable majority of the Indians. Second, since the watchmen in Hong Kong are either Indian or Chinese, and the Chinese are exempted from registration under the provisions of the bill, it would render a discriminatory measure against the Indians who are British subjects while favoring Chinese whom the vast majority are not. This discriminatory nature is extremely harsh, given the view that once registered under the police, one could not leave the Colony without the sanction of the police. Third, since the watchmen are privately employed, the registration procedure would interfere with the private right of contract between members of the community. This includes the Governor determining the wages that a private employer should pay to a watchman. Fourth, the definition of a watchman is so loose that it makes it essential for all paid servants except Chinese and Pubic Servants to register, as somehow they would perform some duties of a watchman from time to time. Fifth, it would be great hardship for Indian watchmen not to take occasional additional employment. It was common practice for Indian watchmen to be employed at two premises. Even employers would accept it as the norm.[84] Presumably, another "second" occupation which may be affected most is the moneylending business; the petition made no reference to it, considering the ill-reputation. Sixth, it gives the Captain Superintendent of Police to punish a private watchman without trial and without a proper charge.[85]

The government initially spoke lightly of the petition. In the initial correspondence on the matter, the officials informed the governor that the number of Indian watchmen must be over 600; therefore, a petition of a mere 300 watchmen does not even amount to a majority of the Indians affected. Some even went indignant enough to utter that "the Indians are mostly Sikhs, not very intelligent, pig-headed & quarrelsome & quite unsuitable for use as propagandists. Their sole idea is to make enough money to return in reasonable comfort to India and it was shown that they were

[83] The Hong Kong Watchmen Ordinance 1928 (No. 6) 1928, National Archives of India, 4.
[84] See "DYNAMITE STORE: Company Fined for Not Employing Watchmen THEFT OF WHOLE STOCK," South China Morning Post (Hong Kong), July 15, 1930, 11.
[85] CO 129/511/7, 22-25.

very unlikely to join in any movement which if successful would only deprive them of their means of livelihood".[86] W.T. Southorn put the blame on specific individuals. He found "good reason to believe that it in fact represents only a few prominent agitators and moneylenders, that it had no support from Mohammedans and was largely engineered by one Khawas Khan, a clerk employed at Supreme Court where his duties were to provide the opportunity of maintaining close touch with Indian moneylenders."[87] The notion that Khan had close ties with the Sikhs were not unwarranted. He was entertained as a guest of the Sikh community at his retirement and departure back to India three months later.[88]

That said, with substantial media coverage in local newspapers and wide discussions, the government made two major compromises. It was decided that two classes of registered watchmen should be classified, instead of categorizing the entirety of the Indian watchmen under the supervision of the Police. The first class was the originally intended police watchmen, who would be subject to police training and discipline, and who would be paid through the policemen with certain minimum rates of wage. The other would be the private watchmen who would not be subject to police training or discipline, and would be paid directly by the employers, whose pay would be regulated. The second amendment to the draft was that the prohibition against money-lending would not apply to the existing private watchmen. Nevertheless, it was required that they be registered as private watchmen.[89]

After the legislation passed its second reading, a regulation made by the Governor in Council was promulgated. It was regulated that each registered watchman should carry his license book, where the name, photograph, thumb print, and registered number should be included. Upon employment or termination of employment, they should produce the book for endorsement at the Police headquarters. If one opted for registration as a police watchman, they bear obligations and roles almost identical to those of a police officer. He should wear a badge and a uniform, paid by the Police force, attend parades, instruction, and musketry and revolver practice at the direction of the Captain Superintendent.

Though W.T. Southorn expected the present Ordinance to have no effect of driving away the Indians, nor would there be any considerable effect in restricting the field of employment for Indian watchmen[90], the Ordinance did present negative effects. Petrie noted that the Hong Kong police

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[86] CO 129/511/7, 22-25.
[87] Hong Kong Watchmen Ordinance 1928 (No. 6) 1928, Department of Health, Education and Lands, Emigration Branch, 1928, 26, National Archives of India, Digitized Document.
[88] "MR. KHAWAS KHAN: Farewell Tea Party By Indian Civil Servants RETIREMENT GIFT," South China Morning Post (Hong Kong), August 2, 1928, 10.
[89] "WATCHMEN'S ORDINANCE: Passes Second Reading and Committee Stage SEVERAL AMENDMENTS," *South China Morning Post* (Hong Kong), March 16, 1928, 10.
[90] Hong Kong Watchmen Ordinance 1928 (No. 6) 1928, Department of Health, Education and Lands, Emigration Branch, 1928, 25, National Archives of India, Digitized Document.

authority began issuing permits to Indians wishing to visit China in search of employment. Some were tried and fined for breaching the Ordinance. The number of the Indian watchmen stagnated over the years. From 1921 to 1931, it grew from 391 to a mere 465, compared with the doubling of the figures of the Chinese.[91]

Year	No of cases	No of defendants
1928	9	9
1929	15	15
1930	6	6

Table 3: Number of Offences Tried[92]

8. Conclusion

Sed quis custodiet ipsos custodes? Who will watch the watchmen, especially when it is desirable that they remain coerced intermediaries? The Watchmen Ordinance, ostensibly designed to regulate private security personnel, functioned as a sophisticated three-fold coercion mechanism circumventing the constitutional safeguards: surveillance of the potential sedition movement, intrusion of the private security, and providing justifications for deportation if necessary. Its genesis in the height of the Ghadar movement demonstrates how colonial authorities in its periphery deployed legal instruments to address the perceived threats to imperial stability. Its repeal in the 1950 corresponds in both time and space with the decline of the Indian/Sikh private security diaspora in Hong Kong and China after the nation's independence in 1947.[93] By targeting Indian watchmen specifically—a group already positioned as "in-between" subjects exercising sub-imperial authority over Chinese populations while remaining under British surveillance—the legislation created a regulatory framework that simultaneously empowered and constrained this diasporic community.

More than that, this case study illuminates broader patterns in colonial governance, particularly the ways in which peripheral powers within the British Empire exercised authority through legal frameworks that appeared neutral but functioned as instruments of social control. The Watchmen Ordinance exemplifies how colonial legislation could serve multiple purposes: regulating economic activity, maintaining social order, and implementing surveillance systems—all while avoiding the constitutional challenges that had previously thwarted more overtly discriminatory measures. It is necessary to note that coercion should indeed be viewed from a decentralized postcolonial perspective: when competing interests of "constitutionalism" in the peripheries and the desire to coerce are at play, it is London instead of local authorities who are more inclined to

[91] Hamilton, *Watching Over Hong Kong,*102.
[92] Hong Kong Government Reports Online. Unfortunately the police changed their methodology of statistics therefore no exact numbers of breaching the Ordinance is available since 1931.
[93] Hong Kong Legislative Council, *Official Report of Proceedings*, Meeting of 21st November, 1956, 374.

lenient policies. In this sense, the postcolonial framework provides a more satisfactory explanation for the understanding of the coercive system in the diaspora.

Bibliography

Primary Sources

Colonial Office, Hong Kong, Original Correspondence, National Archives, Kew.

Hong Kong Legislative Council. *Official Report of Proceedings*. Meeting of 21st November, 1956.

Hong Kong Watchmen Ordinance 1928 (No. 6) 1928. Department of Health, Education and Lands, Emigration Branch, 1928. National Archives of India, Digitized Document.

"Proceedings of the Dept. of Commerce & Industry for the month of December 1917, regarding a draft ordinance of the registration and regulation of Indian watchmen in Hong Kong." Home Department February 1918 No 46 (1917). National Archives of India, Identifier: MF_222400062646.

"Telegraphic Correspondence During 1928 Between DIB & Mr Malland on Hangal Affairs." Department of Home Political, 1928. National Archives of India, Digitized Document.

"Unrest among Indians in Hong Kong. Desirability of appointing an Indian police officer to check sedition and to inform the Criminal Intelligence Department of what is going on." Home Department Nos 121-125 (1915). National Archives of India, Identifier: MF_222400059175.

"DYNAMITE STORE: Company Fined for Not Employing Watchmen THEFT OF WHOLE STOCK." *South China Morning Post* (Hong Kong), July 15, 1930, 11.

"Indians at Law: Money-Lending Case in Court." *South China Morning Post*, August 2, 1923, 1. ProQuest Historical Newspapers: South China Morning Post.

"MR. KHAWAS KHAN: Farewell Tea Party By Indian Civil Servants RETIREMENT GIFT." *South China Morning Post* (Hong Kong), August 2, 1928, 10.

"Summary Court: Judgment Accepted." *South China Morning Post* (Hong Kong), October 8, 1913, 3.

"WATCHMEN'S ORDINANCE: Passes Second Reading and Committee Stage SEVERAL AMENDMENTS." *South China Morning Post* (Hong Kong), March 16, 1928, 10.

"Gurdah Singh v. F. Mann." *North China Herald*, October 26, 1894.

Li Hong Mi v A-G for Hong Kong [1920] AC 735.

In the Matter of a Petition of Li Hong Mi (1917) 2 HKLR 54.

Jiang Guangci. "Ah San." In *Xiandai Zhongguo Zuojia Xuanji* [Selected Works of Modern Chinese Writers], edited by Literary Publishing House, 216-221. Shanghai: Literary Publishing House, 1932.

Jin Baihang. "Xiao jianshi: Nong jia cheng zhen." *Shenghuo* (Shanghai 1925A) 2, no. 27 (1927): 196-97.

University of Hong Kong, University Libraries. *Hong Kong Government Reports Online (1842-1941)*. Hong Kong: University of Hong Kong Libraries, 1999.

Secondary Sources

Best, Antony. *British Intelligence and the Japanese Challenge in Asia, 1914-1941*. Basingstoke: Palgrave Macmillan, 2002.

Blyth, Robert J. *The Empire of the Raj: India, Eastern Africa and the Middle East, 1858-1947*. Basingstoke: Palgrave Macmillan, 2003.

Cao, Yin. *From Policemen to Revolutionaries: A Sikh Diaspora in Global Shanghai, 1885-1945*. Leiden: Brill, 2017.

Dimmers, Michaela. "Caught In-Between: Coerced Intermediaries in the Jails of Colonial India." *International Review of Social History* 68, no. S31 (2023): 237–51.

Godlewska, Anne, and Neil Smith. *Geography and Empire*. Oxford, U.K.: Blackwell, 1994.

Foucault, Michel. *Power/Knowledge*. New York: Pantheon, 1980.

Hamilton, Sheilah E. *Watching Over Hong Kong: Private Policing 1841-1941*. Hong Kong: Hong Kong University Press, 2008.

Jackson, Isabella. "The Raj on Nanjing Road: Sikh Policemen in Treaty-Port Shanghai." Modern Asian *Studies* 46, no. 6 (2012): 1672–1704.

Lake, Henry Reynolds, and Marilyn. *Drawing the Global Colour Line: White Men's Countries and the Question of Racial Equality*. 1st ed. Melbourne: Melbourne University Publishing, 2008.

Mawani, Renisa. *Across Oceans of Law: The Komagata Maru and Jurisdiction in the Time of Empire*. Durham: Duke University Press, 2018.

Metcalf, Thomas R. *Imperial Connections: India in the Indian Ocean Arena, 1860-1920*. 1st ed. Vol. 4. Berkeley: University of California Press, 2007.

Miners, N. J. "Disallowance and the Administrative Review of Hong Kong Legislation by the Colonial Office, 1844-1947." *Hong Kong Law Journal* 18, no. Part 2 (1988): 218-19.

———."The Localization of the Hong Kong Police Force, 1842–1947." *The Journal of Imperial and Commonwealth History* 18, no. 3 (1990): 296-315.

Munn, Christopher. "Our Best Trump Card: A Brief History of Deportation in Hong Kong, 1857–1955." In *Civil Unrest and Governance in Hong Kong*, 1st ed., 1:26. Routledge, 2017.

———. "Margins of Justice in Colonial Hong Kong: Extrajudicial Power, Solicitors' Clerks, and the Case of Li Hong Mi, 1917-1920." *Law and Humanities* 11, no. 1 (2017): 102–20.

Sharma, Shalini. *Radical Politics in Colonial Punjab: Governance and Sedition*. Milton Park, Abingdon, Oxon: Routledge, 2010.

Sohi, Seema. *Echoes of Mutiny: Race, Surveillance, and Indian Anticolonialism in North America*. Oxford: Oxford University Press, 2014.

Thampi, Madhavi. *Indians in China 1800-1949*. New Delhi: Manohar Publishers & Distributors, 2005.

———. *India and China in the Colonial World*. New Delhi: Social Science Press, 2005.

———. "Indian Soldiers, Policemen and Watchmen in China in the Nineteenth and Early Twentieth Centuries." *China Report* (New Delhi) 35, no. 4 (1999): 427.

Ure, Gavin. *Governors, Politics and the Colonial Office: Public Policy in Hong Kong, 1918-58*. 1st ed. Hong Kong: Hong Kong University Press, HKU, 2012.