

KENYA
388/30

C O
38730
REC
REL AUG 20

INDIAN OVERSEAS ASSN

INDIAN POLICY

1920

5th August

Last previous Paper.

387/38612

Submits obscn on statement in H. of Lords on 14th July

Answer
Copy cover for Com. Coy. 16 Aug 20 ✓
Copy cover. Do. 16

Mr. Holt Sir & Recd. In. of. Fildes

* *Para 2*

By the Gov. of Kenya publishes the Dip. re Indian Policy, the fullest publicity will be given to Spt. views on the various statements in the Sec: Comm: Report - & as Spt. has also made his statement in the House of Lords, & as no reason to do more.

In the latest vol. we have urged the Gov. to do all the can to stop oppressive & harmful anti-Indian legislation

Para 3 The Dip. covers all the main points - except they occurred before wh. has been settled up with Gov., but is not a firm enough matter for the Dip.

Next subsequent Paper.

388 25

Para 4.

Elective representation
is now approved: the
Dir. says that I will
wait Govt. report as to
franchise
details for elective representation
on the Municipal Councils.

Para 5.

Yes: Municipal Prov. Councils
along are treated as one for
all purposes of admin.
except insofar as international
treaties affect the Prov.

We need not now consider
what will happen when
representative institutions are
set up in the 2nd. Divisions.

Para 6.

Govt. has expressed concurrence
in Mr. Pethick's proposals as to
franchise, if Govt. so recommends.
We must await the Govt's
recommendations.

Para 7.

Indian representation on the
Executive Council goes further
than the Indians have hitherto
gone - viz. the suggestion has
been made, & has, I think, been
proposed.

The Govt. views should be
asked for.

Para 8.

The segregation policy is definite
& cannot be reversed. The Govt.
is prepared to defend it.

Para 9.

The land question is also
settled definitely - but the
Indians are to have an area
set aside for them, as to which
Govt. is to make arrangements
for on para 8.

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Para 10.

Para 11.

What the actual allocation
of township areas may be, we do
not know - but the Dir. is
Indian policy says "as long as"
"the Indians are fairly dealt"
"with in the selection of the sites"
"..." & we must rely
on Govt. to adhere to
a fair allocation.

Principle of
the ~~idea~~ of not allowing
ownership by Europeans & Asiatics
in Asiatic & European frontiers
especially follows from the
general segregation policy -

Besides, in either case it is
only in a special case, important
as the franchise could not
himself indicate the fact in
the "the community" area.

Para 12, 13.

It is not clear to me why
"Indian sentiment" is to be
treated as "paramount" & ~~we~~
I do not like ^(but do not actually) ~~it~~
which impressions to what is
subject - a matter which

in para 13 as to "the full responsibility" will be brought home to directly to the... with the most deplorable consequences to the integrity of the Empire. This is the usual Eastern hypocritical style which he ignores

It is for reasons which have been stated why is required.

7. act. receipt - say that when the decision taken by the... are announced, they will be glad to receive statement of their views for reasons in any matter which are still open to discussion - but say that they may be advised as regards the point in para 5 that no distinction will be made in relation to Indian policy in the Congo (N. & Kenya) part

raised up of course to I.O. etc.

to the Com. etc. - and for your views as to the Council representation (para 7)

act

the Secretary of State... should be

communicated by the persons concerned, & this can be done without waiting further.

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Otherwise I will be obliged to propose action.

The text ^{refers to} of the... page has not been... of this Association. It is of course possible to make the... containing an account of... action in India, but as the Association was...

1/8/22

1/8/22

1/8/22

Having regard to the time of the... the letter from the I.O. I should not ask for these views for further.

I am, Sir, very truly yours

I had no any... they will be... therefore...
Yours truly

President of Council:

Chairman of Executive Committee:

Hon. Secretary and Treasurer:

H.H. THE AGA KHAN.

Hy. S. L. POLAK.

Deputy Chairman:

Sir M. M. BHOWNAGGREE.

K.C.I.E.

187

Indians Overseas Association

35730

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265, Strand, London, W.C.2

REC

RE

6 AUG 20

Aug 15th

19 20.

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Telephone: Central 2832.

The Under Secretary of State,
Colonial Office, S.W.1.

Sir,

My Association, having had under consideration Lord Milner's remarks on the Indian question in East Africa, in the House of Lords, on the 14th ulto., desires to submit the following observations thereon.

2. In the first place, I am directed to express my Association's great satisfaction that Lord Milner took occasion to dissociate himself emphatically from and to condemn unequivocally the outrageous and unanimous attack upon the Indian community contained in the Report of the Economic Commission appointed by the East Africa Protectorate Government. His Lordship's remarks on this aspect of the question are the more welcome as my Association had noted with grave misgiving that the Report represented the considered views of an influential section of the local Administration (one of whose principal officers had been

appointed the Chairman of the Commission, and it has observed that no single word of reprobation of the views openly entertained by the Commission has so far been publicly expressed by the head of the Administration. It is to be hoped that the Colonial Office will, if it has not already done so, take early steps to bring Lord Milner's repudiation directly to the notice of the officers of His Majesty's Civil Services throughout these regions, as well as the fact that the Secretary of State for the Colonies is of opinion that there is room for both Europeans and Indians in the development of East Africa, without interfering with the welfare or the advancement of the natives or with that of each other, and has declared that it is the settled determination of His Majesty's Government to pursue in East Africa a policy that shall be as equitable as fair to the Indian settlers as it is to the European Colonists. At the present stage of the development of East Africa, whilst the rights, the welfare, and the interests of the native population ought very properly to be the primary object of the solicitude of the local Administration, one of its secondary functions should be to act as a sympathetic buffer, to protect the old-established Indian community from the crude and violent onslaughts of the more recently arrived European Colonists, many of whom are sadly ignorant of India's ancient

connexion with these lands, are covetous of the superior economic position in which the Indian settlers have established themselves by pioneer work, diligence, thrift and heavy sacrifices of all kinds, and are imbued with an anti-Asiatic spirit, of a most aggressive character that is calculated, if unchecked in the various parts of the Empire in which it has found strong expression, to create such a bitter social conflict as will eventually lead to the disruption of the British Commonwealth.

3. My Association notes that in his reply to Lord Islington's interpellation, Lord Milner, doubtless, owing to considerations of time, confined himself to a statement of his views on two principal matters of grievance put forward by the East African Indian community - that of the franchise for the Legislative Council of the Kenya Colony and the Municipality of Nairobi, and that of what has become known as the policy of Segregation. My Association is assured, however, that other grave disabilities complained of or anticipated will not be neglected by his Lordship when dealing with these problems in detail, and reserves to itself, in due course, the privilege of making further representations thereon as opportunity offers.

4. It is with great appreciation that my Association notes that Lord Milner is not averse from conceding to the Indian

community in the Kenia Colony the right to elect its representatives to the local legislature and to the Nairobi Municipality and abolishing the present system of nomination. My Association further notes that his lordship desires to be convinced that this is a matter upon which the Indian community feels strongly and is unanimous. It is to be presumed that his Lordship does not intend his desire for "unanimity" to be taken quite literally, but that there is a very deep seated sentiment and substantial unanimity already on the subject may, my Association submits, be deduced from the language and the circumstances of the relevant resolution passed, last November, by the Eastern African Indian National Congress unanimously. That Congress was fully representative of the views of the entire Indian population of the several East African ^{Centres} ~~Centres~~ and the resolution whilst moderate in substance and in tone, is emphatic and unmistakable. In order, however, that there may be no step left untraced to satisfy his Lordship, on the point, my Association will be glad to communicate to its constituents any special requirements that he may desire to see fulfilled to enable him to form a final judgment on the question. At the same time, I am to point out that opinion in India on this question is unanimous and in full support of the demand of the local Indian population, and is

based upon the recognition that no self-respecting a community can long rest satisfied with a representation, however limited or extended, whose chief characteristic is that it depends upon the nomination of the governing authority. In the nature of things, nominated representatives, however capable, qualified and patriotic, can never command the support or the confidence of those whom they are appointed by an outside authority to represent as fully as those who owe their position to the fully exercised franchise of their compatriots or constituents. Elective representation, in this instance, is the more necessary, in that, in spite of the fact that the final responsibility for legislation and internal policy remains, as His Lordship reminded the House, with His Majesty's Government, it has already been conferred upon the European community who are later-comers in this territory than the Indians, large numbers of whom are qualified to exercise, and many of whom have already exercised, similar franchise, in India itself, whether for the local legislatures or for municipalities and other local bodies. Moreover, though the responsibilities of the Imperial Government are no less in Southern Rhodesia, Mauritius, British Guiana, Trinidad, Ceylon, and Fiji, Indians already exercise the franchise there or it is about to be conferred upon them, and there is nothing

to prevent their electing (if they have not already done so) their compatriots to represent them in the local legislatures or on other public bodies. In the Cape Province, of the Union of South Africa they also exercise the political and municipal franchises on equal terms with Europeans, the only limitation, as to representation, being, for reasons which in no way redound to the credit of the Union, as regards the Union Parliament, membership of which is confined to persons of European descent.

5. Whilst on this part of the subject, my Association ventures to express the earnest hope that, in extending the electoral principle to Indian representation in the Kenya Colony it may be made to embrace the Indian community in the Kenia Protectorate, whose rights and status the public has been assured by answers recently given in the House of Commons by the Under Secretary of State, Col. Amery, are not to be in any way diminished or differentiated from those enjoyed by their compatriots in the new Kenya Colony. And it hopes, too, that if and when representative institutions are extended in this, and set up in the neighbouring territories, the Indian community from the commencement, will enjoy the franchise equally with all other sections of the population.

6. As to the extent of the representation and the nature of

the franchise, my Association feels that this, too, is a matter in which the numbers, the importance of the interests, and the desires of the local Indian population, as well as its historic claims, should receive at the hands of His Majesty's Government, the fullest consideration. In my Association's opinion, the representation should be adequate and not niggardly, so that Indians may not have to complain that whilst the principle of elective representation has been established, it has, in practice been rendered *negatory* and the community is, in fact, left without influence, either as regards the European electorate or the Local Administration. And the franchise ought to be on an educational as also on a tax-paying qualification of a not too exigent character. These suggestions do not in any way exhaust those which my Association could place before His Lordship, but are by way of an indication of the requirements of the situation if Indian sentiment is to properly be recognised and the fullest co-operation sought.

7. There remains one other subject which, though not touched upon by Lord Milner in the House of Lords, is yet an integral part of this aspect of the problem and cannot properly be omitted in its settlement. The Governor of the Kenia Colony is assisted by an Executive Council, nominated by him, which at the

present time, in so far as its ^{own} official element is concerned, contains no Indian member. All the considerations which apply to the adequate representation, by election, of the Indian community in the Legislature apply with equal force to its ^{by nomination} representation in the Executive Council. There are many matters of administration and policy which intimately affect the interests or the welfare of the Indian population or which may help that population to achieve a better and a higher standard of citizenship in collaboration with the other communities. In my Association's respectful opinion it is essential that, if the Administration is to be fully informed of Indian opinion upon these and cognate matters and to be enabled to utilise that opinion to the best advantage, there should be adequate Indian representation of a responsible character in the Executive Council of the Kenya Colony and of other neighbouring territories when established ~~there~~.

8. The other main branch of the problem with which Lord Milner dealt in his speech was that of Race Segregation and my Association observed with regret and alarm that his Lordship appeared not only to minimise its importance, but almost to deny that there existed any grounds for controversy on the subject, so far as Indians were concerned. What was even most disturbing, was Lord Milner's definite declaration that the principles that

His Majesty's Government lay down for Kenya and Uganda they would seek hereafter to extend to Tanganyika so far as it may be possible to do so under the provisions of the Mandate. It is often fruitless to consider hypothetical situations, and the Association has no doubt of the feelings and the action that would be taken to give expressions to them if the white settlers found themselves placed in the same situation as Indians at present do in Kenya. And it is in no doubt whatever as to the nature of the reply of the Colonial Office to the representations, in such circumstances, of the white community. No Secretary of State and no House of Commons would or could stand for a moment against the unanimous protest that would at once be made by the *west local* European population supported by practically the whole of public opinion in this country. If the British Electorate once understood - this would be the hypothetical situation - that the white settlers, pioneers by some three centuries, in East Africa were excluded from acquiring Government lands in certain areas of that territory, for any reasons whatever, in favour of other late comers, who had the whole of the rest of the Empire to emigrate to if they chose; that in the lay-out of townships, certain areas were, on sanitary or social or some other arbitrary grounds, marked out for exclusive white residence and occupation; and that

it was proposed to prohibit their residence and ownership elsewhere; and that Government lots in business areas, surrounded by similar lots owned by white persons, were put up for auction on the condition that they might be sold only to persons of another race, if British Subjects, and even to aliens, but not to white persons; they would express incredulity that such conditions were possible, under the British Crown, on any pretext whatever, and they would insist upon the removal of any such special disabilities or special privileges based upon racial considerations. And in my Association's ~~own~~^{honorable} opinion, they would not only be right in doing so in such a hypothetical case, but they would, with that sense of fairplay that is naturally expected of the British public, do so in the actual case of His Majesty's Indian subjects in Kenya. There is, no doubt, much justification for protecting the indigenous population against immigrants, of other races, who might otherwise disestablish them. There is, none whatever for according to one set of immigrants - and that of later date - privileges and advantages over earlier immigrants, His Majesty's equal subjects.

9. The Highlands were originally set apart for purely European exploitation, not, as the Colonial Office, in 1908, somewhat disingenuously pretended, for purposes of "administrative

convenience", but, as his Lordship remarked in the course of his speech, because they were areas in which alone whites can live and work in health in East Africa. My Association recognises that climatic conditions limit the area in which white settlers can establish themselves. But it does not admit, like the East African Indians do not admit, and the people of India do not admit for a moment that that is any sufficient reason for setting these lands aside for purely European occupation and ownership. The white people of the Empire who desire to emigrate have the whole of the United Kingdom and the self-governing Dominions, almost entirely temperate in climate, to go to. Wide lands, suitable for white colonisation, are crying out for population, yet for some inscrutable reason, the Imperial Government have actually encouraged white settlers to go to East Africa, where they have reserved for them a section of the country enjoying a fine climate, and suitable equally for settlement by non-European people. Indians thrive and prosper in the temperate climate, due to its high altitude, of the greater part of the High Veld in South Africa. They could do so even better in the Highlands of East Africa. There is, too, a special reason why this area should not have been reserved for Europeans. It is its accessibility to the Uganda Railway, built

at enormous sacrifice by Indian labour organized by Indian contractors, and it is still run & maintained by Indian staff, Mr. Sandbach Baker, one of the oldest white settlers in East Africa, has testified (what the Colonial Office appears to have forgotten) that when this Railway was made under the auspices of the Foreign Office, the principal object was to open up the country to Indian immigration. Instead, Indians are excluded from these healthy and desirable lands, not in favour of the native population but to enable European immigrants, of a later date, including Dutch settlers from South Africa, whose anti-Indian prejudice is so largely responsible for the grave Imperial problem awaiting speedy solution there, to enjoy special privileges.

10. As to the foundation of racial segregation in towns upon alleged sanitary desiderata, my Association is entirely unconvinced. Such racial segregation (save in so far as it is ~~and~~ voluntarily sought) does not exist in any of the large cities of India, and even in most parts of South Africa, public prejudice has not enforced it, and, in the Transvaal, as His Lordship will remember, the Supreme Court expressly declared it to be illegal to compel Indians to trade and reside in bazaars. Indeed, in South Africa, His Majesty's Government consistently objected to its

enforcement whenever they had an opportunity of intervening, and it is exceedingly surprising now to find the actively advocating it in the case of East Africa. His Lordship is quite well aware that municipal sanitation is a matter of concern by the responsible authority. In fact, that responsibility has been almost entirely that of the Administration and of the Municipality, in neither of which have Indians had an effective voice. The criminal neglect of ordinary sanitary precautions, to which Professor Simpson drew attention in his report, has, my Association is credibly informed, not even yet been ^{re}ratified by the proper Authorities. And it is significant that these allegations are almost entirely confined to Nairobi (which serves the Highlands) and do not refer to Mombasa, with its much larger Indian population. My Association finds it impossible to believe that the strict observation of sanitary laws enforced impartially by an active efficient and vigilant municipal authority, will not produce the same fortunate results as they are acknowledged to have done, in vastly more difficult conditions, in the town of Zanzibar.

11. Lord Milner is of opinion that, if similar lands and municipal areas of equal value and importance are equally reserved for exclusive Indian enjoyment Indians ought to have no colourable

cause for complaint. My Association regrets that it cannot share his Lordship's somewhat easy optimism on the subject. In the first place, his very words, which are of a conditional character, clearly imply that such equal facilities are not at present provided for Indians and it is notorious that they do not enjoy anything ^{like} ~~of the~~ equality in these matters. The low lying lands are reserved for Indians only because they are for obvious reasons, not sought after by white settlers. If, for any reason, they were found to be equally suitable for European exploitation, my Association has no reason to suppose but that, as elsewhere in His Majesty's Dominions, pretexts would be found to exclude Indians therefrom and confine them to the still less desirable or more unhealthy areas. It is only natural that this should be so, for, at best, it will be long before the Indian community can exercise its full influence upon the local Administration, which is socially and in other ways more easily amenable to the views of the European section of the population. Similarly, in the case of the selection of municipal residential areas. In the very nature of things - it has already happened at Nairobi - (the best areas would be reserved for Europeans. Nor do Lord Milner's arguments explain why even ownership in "European" residential or settlement areas should be denied (on sanitary grounds) to Indians, thereby

depriving them of opportunities for investment and the Administration of Revenue; or why the bidding for business plots, surrounded by Indian owned and occupied business plots, is limited to European bidders.

12. My Association is confident that Indian public opinion, whether in East Africa or in India, and the Indian Government will never consent to the adoption in any form or on any pretext of the principle of racial segregation in East Africa, whether in Colony or Protectorate or Mandated Area. It is bound to imply in spite of ^{asa} ~~costly~~ statistical and plausible arguments, and does in fact imply racial inequality and indignity and it will, in India be so regarded. Professor Simpson's reasons for municipal segregation are so patently superficial and, in some respects, even incorrect as to the facts upon which they are based, that my Association is astonished, as it doubts not, will be the people of India, that his Lordship has apparently accepted them without challenge or analysis. They will undoubtedly not be so accepted by Indians and it would be wrong if my Association did not offer his Lordship a very serious warning against the adoption of such a policy as his speech appears to advocate. In the Southern States of the American Union, his Lordship's arguments in favour of an increase of social amenities by its adoption might

enjoy popular currency. They are unlikely to do so in British India, and, in this matter, Indian sentiment must be treated as paramount.

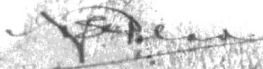
12. In conclusion, my Association begs respectfully to refer His Lordship to the recent reiteration by the Viceroy that "the position of the Government of India is, and always will be, that there is no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects". Not only do these remarks apply on general grounds to Crown Colonies and Protectorates over which His Majesty's Government exercise final control and responsibility, but they apply in particular to the case of East Africa, ~~in which~~ for the historic reasons that have been so frequently, in the literature of this country, referred to and in whose economic development, for geographical reasons, India is and is likely to be still more deeply interested. In my Association's respectful opinion, the case of East Africa is the supreme test of the sincerity of His Majesty's Government in the protestations of their concern for the just and equal treatment of Indians outside India. It is useless to conceal the fact that the feeling of almost all Indians, of whatever rank or class is that, as between Indians and Europeans, it is in essentials, the

latter who, in the outer Empire, secure the advantages and the former who are required to submit to the disadvantages. In the self-governing Dominions, where the situation is already critical, His Majesty's Government have deliberately divested themselves of direct responsibility, for which they have to answer to Indian public opinion. If, in East Africa, to which they invited us, Indians are left to feel a sense of insecurity, instability and inferiority, the full responsibility will be brought home directly to His Majesty's Government, with the most deplorable consequences to the integrity of the Empire. It is with a view to avoid these that my Association earnestly beseeches His Lordship to refuse to extend the policy of racial segregation in East Africa, and to reverse it to the extent that it has already been adopted.

I have the honour to be,

Sir,

Your obedient servant,



Hon. Secretary.

16 August 1900

Sir,

DRAFT.

How do
in coming
Association

Amend
5/10/00

I am glad to rec^d. the rec^d. of your
letter of the 5th of August, and to
inform you that, when the decisions
taken by the S. of S. is ~~published~~

MINUTE.

- Mr. Denham
- Mr. Pakington
- Mr.
- Mr. Grindle
- Sir H. Lambert
- Sir H. Ross
- Sir G. Fisher
- Col. Amey
- Lord Milner

copy for Genl. G. G. G. G. G.

~~has been sent in a despatch to the Gov. of~~
~~India~~ have been announced and
 in ~~India~~ Africa
 published. He will be glad to receive
 a statement of the views of your
 Association on any matters which
 are still open to consideration. A

copy of ~~the~~ a despatch to the
Gov.

Gov. of Kenya, in which ^{the} their decision was embodied, will shortly be forwarded ^{to the Indian Government}

2. I am to add that ~~you~~ ^{you} may rest assured, ⁱⁿ ~~regard~~ ^{on} the point

referred to in paragraph 5 of ^{your} ~~the~~ letter

that no restriction will be made

relative to Indian policy ^{between} ~~the~~ ^{the} ~~Government~~

and the Kenya Protectorate.

I am,

President of Council:

Chairman of Executive Committee:

Hon. Secretary and Treasurer:

H.H. THE AGA KHAN.

Hy. S. L. POLAK.

Deputy Chairman:

Sr. M. M. BHOWNAGREE.

K.C.I.E.

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Indians Overseas Association.

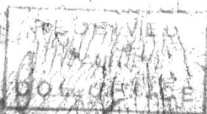
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August 17th

1930.

*Parkinson
Attach
wjs*

The Under Secretary of State,
Colonial Office, S.W.1.

Sir,

I beg to acknowledge with thanks the receipt of your letter No. 38730/20 of the 16th instant, informing me that, when the decisions taken by the Secretary of State have been announced and published in East Africa, he will be glad to receive a statement of the views of my Association on any matters which are still open to consideration, and that a copy of a despatch to the Governor of Kenya, in which these decisions were embodied will be shortly forwarded to me.

I have also noted paragraph 2 of your letter, referring to paragraph 5 of mine of the 5th instant.

I have the honour to be,

Sir,

Your obedient Servant,

H. S. L. Polak

Hon. Secretary.