

1921

E. AFRICA

473

40367

DATE

11TH AUGUST 1921

12 9621

E. A. INDIAN DEPUTATION

CIRCULATION

SUBJECT

Mr.

Mr.

Mr.

FORFEITURE OF INDIAN

Further in support of claim for equal treatment with Europeans.

Grindle

H. Lambert

H. Road 15/8/21

G. Fiddes 17

W. ...

...

Previous Paper

MINUTES

M.I.  
40351

11th August

Report  
...  
had ...

We have here all the usual  
sort of thing - It is clear  
that we shall never  
satisfy the Indians. They  
seem to be very stupid & will  
be able to get their  
because they think that  
we will not <sup>make</sup> ~~over~~  
any concession to them  
on their part. When  
we have spent pleading  
then the point simply is

Subsequent Paper

Handwritten scribbles

that while regarding the necessary legal distinction between different cases, this is in an matter of administrative convenience passed the Highland to the Foreign Office.

As to this action was right does not now matter. The Foreigners have understood it as a pledge that Foreigners only will be given land directly or indirectly in the Highland - & in that understanding they have settled in 1917.

I can only hope that we shall not in any way in the future. The Foreigners have a goodly idea of 'give and take' they must have something they ask for.

ask receipt  
Dec 1917

In camera

for my letter to see

Handed by

9/11

1917

Incandescent

For my later use.

Assoc. Party

Jan

17/8

40

19

3

48387  
East African Indian Deputation.

475

Cannon Street Hotel, 12 00 21

London, E.G.

August 11th

1928

The Rt. Hon. the Secretary of State for the Colonies,  
Colonial Office, Whitehall, S.W.1.

Sir,

We desire to express to you our great appreciation of your reception on Tuesday of the deputation of which we were members and to thank you for your promise to consider carefully our representations on behalf of the East African Indian community and to discuss with us at a later date various matters that may arise therefrom regarding the application in detail of the principle of equal citizenship for all civilised people within the Empire.

We gathered from the informal conversation that though you had not made up your mind as to the shape that a solution of the Highlands question would take and were prepared to consider our arguments with sympathy and impartiality, you nevertheless felt a strong difficulty in accepting our solution based upon the clear application of the foregoing principle. Owing to the belief of the white settlers that the Highlands were to be reserved as an area to be developed solely by a white population and from which Indian settlers were to be excluded. We also gathered that you had in contemplation the possibility of offer-

East African Indian Deputation. 4-367

Cannon Street Hotel, 12 3621  
London, E.C.

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We desire to express to you our great appreciation of your reception on Tuesday of the deputation of which we were members and to thank you for your promise to consider carefully our representations on behalf of the East African Indian community and to discuss with us at a later date various matters that may arise therefrom regarding the application in detail of the principle of equal citizenship for all civilised people within the Empire.

We gathered from the informal conversation that though you had not made up your mind as to the shape that a solution of the Highlands question would take and were prepared to consider our arguments with sympathy and impartiality, you nevertheless felt a strong difficulty in accepting our solution based upon the clear application of the foregoing principle owing to the belief of the white settlers that the Highlands were to be reserved as an area to be developed solely by a white population and from which Indian settlers were to be excluded. We also gathered that you had in contemplation the possibility of offer-

ing to the Kenya Indians on equivalent area in the Colony specially to be reserved for Indian development and from which Europeans should be excluded.

The European settlers put their belief in the form of a "pledge" made to them, of which, however, we cannot obtain explicit particulars. On the other hand, such a "pledge", in any formal manner, has been expressly denied quite recently by so high an authority as Professor J. Bartholemæ Keith, in a lecture to the "Times" of August 5, and we too claim that Indians are in possession of anterior pledges, many times repeated between 1888 and 1904, that we should be as free to settle in and develop any part of the then East Africa Protectorate as any other subjects of His Majesty. The Indian community firmly believes that and is of opinion that had such pledges not been given the Indian presence of the territory would not have narrowed their admitted influence with the native and Arab populations in favour of the establishment of the British Protectorate. If they had it was not the intention of the Government of India by the Government of India. His Majesty's greatest authority of all has put its upon record that the British presence in the territory was not the result of the British being in possession of the influence of those Indian merchants that we were enabled to exclude of the influence that eventually resulted in our position." Nor would Indian labourers, contractors, or enterprise have been induced to enter the country and help to

build the railway or invest capital and energy in a country where they would be relegated to a position of inferiority. You are already in possession of the independent testimony of Mr. Sandbach Baker, a pioneer English settler in Kenya and at that time a representative of the Manchester Chamber of Commerce, that the object of building the railway and developing the Highlands, among other parts of the Protectorate, was "almost solely on account of releasing the congested districts of India, otherwise it would not have been proposed by us (Manchester Chamber of Commerce, Liverpool, Glasgow, and Birmingham Chambers said the same. British East Africa was at that time under the Foreign Office". And it was in consequence of these pledges made that British officials proceeded to India in the early years of this century to invite Indian agriculturists to go and settle in the country. Our claim is that ours were prior imperial pledges made at a time when, so far from settling in East Africa, white men had refused to settle or refrained from settling in the country. We are satisfied we have pledges made at a time when we had equally with pledges believed to be made to white men, necessarily when the Indian settlers were not entitled to such later pledges which could only be made or taken at the expense of the diminution of Indian rights.

We are of opinion that the only "pledge" to which our European fellow-colonists can point is a passage contained in Lord Elgin's 1908 despatch. The conditions as to grants have been fulfilled. But the pledge that legal differentiation against us

could the railway or invest capital and energy in a country where they would be relegated to a position of inferiority. You are already in possession of the independent testimony of Mr. Sandbach Baker, a pioneer English settler in Kenya and at that time a representative of the Manchester Chamber of Commerce, that the object of building the railway and developing the Highlands, among other parts of the Protectorate, was "almost solely on account of releasing the congested districts of India otherwise it would not have been proposed by us (Manchester Chamber). Liverpool, Glasgow, and Birmingham Chambers said the same. British East Africa was at that time under the Foreign Office". And it was in consequence of these pledges to us that British officials proceeded to India in the early years of this century to invite Indian agriculturists to go and settle in the country. Our mistake is that ours were prior imperial pledges, made at a time when so far from settling in East Africa white men had refused to settle or refrained from settling elsewhere for various reasons. We are entitled to have pledges made to Indians fulfilled equally with pledges believed to be made to white men especially when the Indian settlers were not parties to such later pledges which could only be made or taken at the expense of the realization of Indian rights.

It is of opinion that the only "pledge" to which our European fellow-colonists can point is a passage contained in Lord Selkirk's 1808 despatch. The conditions as to grants have been fulfilled. But the pledge that legal differentiation against us



would not be permitted by the Imperial Government was broken when assent was given to the Crown Lands Ordinance, 1915, passed during the War under the Martial law regime when Indians were particularly enjoined to refrain from political agitation. This Ordinance gave a power of veto to the Governor in cases of transfer of land from a person of one race to a member of another, and we are entitled to ask that the Indian community should be restored to the legal position that it occupied before the Ordinance was enacted and that reasons of "administrative convenience" should no longer operate.

With regard to the alternative suggestion of an equivalent reserved area, we think the scheme is impracticable. But it is not our objection principally that we feel unable to give it our support. In our opinion it invites a breach of the principle of equal citizenship. We as a community are unalterably opposed to racial segregation in any shape or form. We are opposed to it in commercial, in residential, and in agricultural areas, and it would therefore be impossible for us to accept an offer, as an Indian reserved area, of even a larger and a better area than has been reserved for Europeans in the Highlands. Even if we, as delegates, were to recommend such a proposal for acceptance, we are confident that we should be repudiated by our countrymen on the spot and in India, where they are anxiously watching to see that the principle of equal and undifferentiated citizenship, unequivocally adopted at the recent Imperial Conference, is scrupulously applied in all its aspects particularly in Kenya, which India regards as a test-case.

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reason especially of the long connexion between the two countries. Apart from this question of principle, we would remind you that, in fact, there is at present no such thing as a special white reservation of the Highlands save as regards ownership of land. In all other respects the reservation has disappeared, if it ever existed. The Highlands, therefore, in reality, have not been preserved as a white settlement, nor have we ever been able to understand in what way the abolition of the disqualification as to ownership of land in the sparsely populated Highlands can adversely affect European amenities.

On the question of the franchise, we would reiterate the strong and emphatic desire of our constituents for an equal franchise and a common electoral roll. We believe that it is only by bringing the two communities together in an increasing number of the activities of life that the present acute feeling will tend to disappear. We realise that our choice means that for some time to come the Indian voice in the Legislative Council will be relatively ineffective. But we rely upon the adjustment of relations and of sentiment that time should produce and upon the political education of our countrymen. At the same time because of this relative ineffectiveness of the Indian representation in the Legislature it is all the more necessary that Indians should have adequate and effective representation in the Executive Council. Indian interests are at least equivalent in importance and variety to non-official European interests, and, in addition, the Executive Council

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will have an overwhelming European bias by reason of the official element, whose attitude has hitherto been usually not friendly to the Indian population.

There remain a few other matters that we would like to place on record, so that the way may be cleared for later conversations on details. We are in entire accord with your statement that the rights of the native population must be a paramount consideration with His Majesty's Government. But that Government is a Government of the whole Empire, with certain well-understood reservations in the case of the self-governing Dominions, and not a "white" or a "coloured" Government. In other words, native interests will be regarded as an end in themselves and not as being contingent upon the privileges of communities of any other race. That being so it follows we venture to observe that the rights of immigrant communities such as the European and Indian communities must be equal in every respect and East African Indians do not admit that native rights may be evaded when it suits the convenience of the white settlers to allege that the Indian settlers ought not to enjoy equal rights with them. If native rights should be recognized on the ground of equal rights, it seems hard and unreasonable to deny it follows logically that the grant of equal rights to Europeans has already infringed upon native rights. We are of the opinion that native rights should be the special concern of His Majesty's Government, acting through the local ~~Native~~ Administration, until such time as the natives are able and desire to exercise themselves

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the full rights and responsibilities of citizenship. But we entirely deny that the white settlers - whose interests often conflict with those of the natives - are entitled to claim special treatment because of their alleged protection of native rights.

In the course of conversation on Tuesday, you intimated that you desired a settlement by accord, the different parts of which must hang together, as such a settlement would have to be in the nature of a compromise. On this point, we would observe that, as a community, Indians are expressly refraining from claiming the full rights that they would be entitled to by virtue of their prior connexion with the country as a whole, the generations of domicile there of many Indian families, their numbers and importance as a community, their expenditure of labour and enterprise, the vast wealth they have created in the country, and the preponderant part they play in its commercial and economic development. They do not demand rights proportionate to these; but they do demand equality in every other respect. Though European British subjects have the right to settle in the Empire, whilst large portions of that Empire are closed to Indian immigration, the Indian settlers do not claim preferential treatment in any part of East Africa. We submit that in diminishing from their full claim they have made substantial concessions with the object of reassuring their white fellow-colonists of their earnest desire to live in peace and amity with them to the advantage of their common welfare and that of the Empire. The fact that we have refrained from asserting to the full the superior

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equitable claims which we might in other conditions have asserted and which we know by experience other communities would not have hesitated to assert makes it the more necessary for us, in justice to our countrymen, to examine narrowly and even jealously any proposals which may have the appearance of curtailing or compromising still further the rights which pledges of long-standing and the recent resolution of the Imperial Conference have alike taught us to believe to be inalienable.

Wherever, without surrendering a principle, the Indian community can reasonably meet the white settlers in the details of the application of first principles, we are authorized to give you the sincere assurance that we shall gladly do so. But we venture to say that, whilst the proposed settlement ought to be, in the main, regarded as a whole, its various features must be the result of the careful consideration of each part of the problem on its merits and having regard to first principles. For we are assured that no bargain that might be struck or suggested on any other basis would be consistent with the dignity or authority of His Majesty's Government, could in practice be maintained, or could satisfy His Majesty's Indian subjects in East Africa. For ourselves, we feel that any agreement that we may recommend for acceptance to our countrymen in East Africa is one which we should be able confidently to recommend to our compatriots in India as in no way diminishing from the prestige and honour of our Motherland as an equal Dominion of the British Empire.

We have only to add that we shall at any time be glad to hold ourselves at your disposal for further discussion of the matters in issue, if you will kindly communicate with us at the above address.

Once more thanking you.

We are,

Yours obediently..

*amfury*

*B. S. Varma*

40367/24 Ea  
July

411

23 24 Aug 1931

DRAFT.

Gentlemen,

2 East African Indian  
Deputation

I am to be sent the report

MINUTE.

of your letter of the 11. of  
August regarding ~~the~~ ~~subject~~  
of Indian policies in  
affecting the ~~subject~~ of the

Club 22/8/  
Pardner on 14

- Mr. [unclear]
- Mr. Lambert
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]
- Mr. [unclear]

~~reference~~ ~~to~~ ~~the~~ ~~subject~~

please ~~to~~ ~~the~~ ~~subject~~

and ~~to~~ ~~the~~ ~~subject~~

I am, Sir, yours faithfully

22 AUGUST 1931

40367/24 Ea  
Jad

454

23 24 Aug 1944

DRAFT.

East African Indian  
Affairs

Gentlemen,

I am to be sent the rec<sup>t</sup>

MINUTE.

Clak 22/8/  
Parker 27/8/44

of your letter of the 11<sup>th</sup> of  
August regarding ~~the~~  
of Indian police in  
affecting ~~the~~ of the

- Wright
- H. Lambert
- H. Wood
- J. P. ...
- Wood
- Marshall

~~was content~~ - ~~them~~

Wesley and ...  
ref<sup>d</sup> to the ...

of your ...

... LAMBERT.