

1923

KENYA

CO
21135

DATE
27th APRIL 1923.

STANDS OVERSEAS ASSN.

APR 23

RELATION:—

B. Stanley

SUBJECT

POSITION OF INDIANS.

Fwd six printed copies of a "Statement of the Kenya Colony Situation" Issued by the Association.

Previous Paper

SoD
20765 sec

MINUTES

- ? (1) a/c: receipt
- (2) give copy to Sir R. Lynden on board
- (3) send 2 copies to a/c. Kenya Lt.

[I assume that it is not desired that this statement, wh. will no doubt be canvassed in the course of discussions, shd. be minuted ^{and} [at length]

all

2 A. G. 23

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W. C. 28.4.23. am

*Copy handed to Sir R. Lynden
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Subsequent Paper

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R. Cooper of 100 (copy 5 King)

Executive Committee
THE AGA KHAN.

Deputy Chairman
Sir M M BHOWNAGGREE
K C I E

Hon. Secretary and Treasurer
H. G. L. POLAK

258

President: Rt. Hon. Lord Hardinge of Penshurst, K.G., etc.

Indians Overseas Association

1135

47-48, Dancs Inn House,
265, Strand, London, W.C. 2.

Telephone Strand, London
Telephone London
Central 2832

April 27th 1923.

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

*Have reviewed
all*

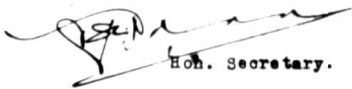
Sir,

I have the honour to enclose herewith six copies
of a statement on Kenya Colony situation issued by my
Association.

I am,

Sir,

Your obedient Servant,



Hon. Secretary.

ENCLS.

A Short Statement of the Kenya Colony Situation

(ISSUED 1925)

THE INDIANS OVERSEAS ASSOCIATION

From 1885 to 1912, the Imperial British East Africa Company, which was chartered and controlled by the British Government, administered the territory of Kenya. The Company's policy was to develop the country as a base for the Indian Ocean trade. It is essential to understand the position of the Company at the time of its establishment, and the nature of its operations, in order to appreciate the position of the Indians in Kenya at the present time.

The Company's operations were carried out through a series of agents and officials. The Company's policy was to develop the country as a base for the Indian Ocean trade. It is essential to understand the position of the Company at the time of its establishment, and the nature of its operations, in order to appreciate the position of the Indians in Kenya at the present time.

The trade relations between India and the East African coast were of great importance to the British Government. The East African coast has been a centre of trade for many centuries. The British Government has always been interested in the development of the East African coast, and in particular in the development of the Indian Ocean trade. The British Government has always been interested in the development of the East African coast, and in particular in the development of the Indian Ocean trade.

The Imperial British East Africa Company's Charter (1888) declares "that there shall be no interference with the subjects of any Power as to trade or settlement," and shows that one of the objects of its grant was that it was calculated to be "advantageous to the commercial and interests" of Her Majesty's Indian subjects and that "the possession by a British Company of the East African Coast line" would protect British Indian subjects from being compelled to reside in the interior of Kenya under the government and protection of alien Power. When the interior of Kenya was opened up in the early 'nineties, the Indians were expressly invited to share in that enterprise. This was done through trade, the circulation of currency, the erection of public and private buildings, and in many other ways. The Uganda Railway (without which progress was impossible) was built by Indian labour and organisation, combined with British capital. Evidence exists that one of the main objects of the opening up of the interior of Kenya was to provide an outlet for the surplus population of India. It was upon such representations that the Manchester, Liverpool, Glasgow and Birmingham Chambers of Commerce were induced to recommend the Imperial Government to make the railway. Unequivocal tributes to the pioneer work of the Indian population, both at the coast and in the interior of Kenya, have been given by such unobjectionable authorities as Sir Harry Johnston (*Times*, August, 1921), the Rt. Hon. Winston Churchill ("My African Journey"), Mr. John Ainsworth, late Chief Native Commissioner of Kenya, and Mr. W. McGregor Ross, late

Director of Public Works. Indian soldiers played a leading part in the early days of the conquest, and pacification of the Protectorate, and the Indian contribution, in men, money and material, during the late War, in saving East Africa for the British Empire cannot be over-estimated. Indians, many of whom are members of families settled in East Africa for three generations, carry on the bulk of the trade and commerce of Kenya. They have invested their capital and enterprise in the country, but have been denied any adequate voice in the settlement of policy or the imposition of taxation, a very large proportion of which is paid by them. The public services are largely Indian in character and composition, the system of law is Indian, and until recently the very currency was Indian, and was changed in order to give the white -minority a commercial advantage.

Whilst the country was under the Foreign Office, the services rendered by the Indian population were generously recognised. But with the handing over of the administration to the Colonial Office and the advent of Dutch settlers from South Africa after the Boer War, bringing with them racial and colour prejudice, the attitude of the local Government changed and a policy was adopted subordinating the interests of the Indian pioneer settlers to those of European newcomers of British nationality. A beginning was officially made in 1908, when, "for reasons of administrative convenience," Lord Elgin authorised the restriction of the issue of Crown grants of agricultural land in the Highland area to European settlers. It is submitted that this act, in itself, taken without the consent of the Indian population, was a breach of trust on the part of the Colonial Office. At the same time, however, Lord Elgin declared that the Imperial Government would be no party to statutory discrimination of a racial character. There never was any public pledge to reserve the Highlands for sole European occupation. Indeed, large numbers of Indians are to be found there, but they cannot acquire agricultural land. The grants of Crown lands were made, in due course, to the Europeans, but without any restrictions upon subsequent transfer for value to Indians. It was not until 1915, during martial law, when Indians were specially enjoined not to press the demands for equal treatment and opportunity was taken to impose still further disabilities upon them, that Lord Elgin's declaration as to the Highlands was violated, and such transactions were prohibited by statute. In many other ways Indians have been statutorily deprived of opportunities of making their full contribution in the opening up of a still semi-barbarous and undeveloped country.

From 1919, until the present time, numerous attempts have been made to effect a settlement upon an equitable basis, each being met, however, with a campaign of abuse and violence directed against the Indian community or the authorities (when they were believed to recognise partially the Indian claim) by the white settlers. The Indian community has, both by deputation and conference, shown its willingness to concede largely in detail, if its claim to equal treatment were admitted in principle and an honest attempt made to apply the principle. This admission was made at the Imperial Conference, 1921, when equal citizenship rights for Indians were recommended, South Africa alone standing out.

After various attempts to make a beginning in applying this principle in Kenya, the Colonial and India Offices, in consultation with the Government of India, agreed upon a series of proposals, which were sent out last September to the Governor to be placed before the European and Indian communities. These proposals have never been officially published and they have been communicated in garbled form at European public meetings, with consequent misunderstanding which has been diligently fostered in order to prevent a settlement. The official proposals, which do not, in fact provide for immediate equality of citizenship, are known, however, to include the following:

HIGHLANDS. The Colonial Office regards itself as bound by previous history and policy, which are not recognised by the India Office, the latter Department reserving the right to reopen the question at a convenient later date.

SEGRREGATION. The policy to be abandoned, subject to the administration of building and sanitary by-laws of general application.

FRANCHISE. All adult white British subjects are at present entitled to registration as voters. It is not proposed to disturb their rights, but in future all British or British-protected subjects, regardless of race, will have to acquire an educational and/or property qualification which, whilst, in practice, not preventing any average white British settler from becoming a voter, will automatically exclude from the franchise, at the commencement, nine-tenths of the Indian population. A common electoral roll is provided for, as well as a majority of at least seven out of eleven non-racial seats for the white population.

IMMIGRATION. No further restriction, but the Colonial Office reserves the right, in case of need, to impose such restriction.

The Europeans have refused even to discuss these proposals. They insist upon complete preservation of the Highlands for themselves (even preferring white aliens to British Indians), in spite of Lord Elgin's pledge to the Indians in 1908. They still demand racial segregation. They refuse to contemplate the possibility of a common franchise and a common electoral roll, but demand instead communal electorates, in order that they may not have to submit to a democratic constitution and so, as to retain a permanent majority of the elective seats in the Legislature, in addition to the over-riding white official majority. They arrogate to themselves—a small group of less than 10,000, aliens and officials included—the status of a self-governing Dominion, and claim to be allowed to exclude the immigration of Indians, who represent the far older immigrant population. They reject the doctrine of equal citizenship for Indians, laid down by the Imperial Conference, 1921, as a "flattering platitude." In fine, they will not tolerate for a coloured community, either now or in the future, any but a status of racial inferiority and political subordination. They allege that their present stand is maintained in order to preserve the privileges of the white ruling race and in the interests of native trusteeship. The Colony has never been administered as a native trust, but mainly in the interests of the white settlers. Native rights have constantly been over-riden and their interests ignored both by the local Administration and the white settlers. Owing to, and so long as there is maintained, an official majority, native interests can be fully protected (if that be the Colonial Office policy) no matter what immigrant community may have the larger number of elective seats in the Legislative Council.

The Indians accepted the proposals as the first step to give effect to the principle of equal citizenship. They, however, steadily resisted the Colonial Office attempt to place special restrictions upon Indian immigration under the colour of general legislation which, in effect, would leave white immigration virtually untouched. The people of India claim the same right of access to Kenya as the people of any other part of the Empire, and as they have exercised for centuries, but never abused. No settlement will be acceptable, which favours the immigration of white British subjects to a Colony that should be administered by the people own as an Imperial trust. The Indian community has frankly recognised the paramount claim of the indigenous population over all immigrant communities, but demands equality of citizenship as among such communities, with an official majority until the natives

are able to manage their own affairs. It claims that the natives are more likely to learn the arts of civilisation from a community that is making a stand for equality of opportunity for all races in the British Empire than from one that demands homage as a permanent ruling race. In addition, it claims that Indian interests do not clash with those of the indigenous population, but are complementary thereto. The Indians reject a communal franchise on the grounds that it is undemocratic; that in the Cape Colony and S. Rhodesia Indians and Europeans have always enjoyed a common franchise and electoral roll; that the Europeans, who will have a majority of voters for many years to come, do not need it and they themselves do not want it; that the Europeans demand it in order to maintain their racial aloofness, which makes them contemptuous of the non-white voter; that it will render common citizenship and friendly political relations impossible; that it will encourage racial feuds both within and outside the Legislature; that the Europeans hope by its means to obtain a permanent majority of the non-official element in the Legislature; and that a common franchise with a common electoral roll will result in the election of only moderate men of both races, who can be relied upon to work together in the interests of the country, but who at present are able to make their will felt with difficulty.

In India the case of Kenya, as three successive Viceroy's have borne witness, is regarded as the real test of British sincerity. India, as an equal Member of the League of Nations, is entitled to require justities for her nationals in the British Crown Colony of Kenya in no way inferior to those assured for those in the neighbouring mandated Territory of Tanganyika. She has been assured that equal membership of the British Commonwealth is her ideal, her right, and her privilege. She is a member of the Imperial Conference that has, with the exception of South Africa—where racial and colour prejudice have already created an Imperial crisis of considerable magnitude—adopted the principle of equal citizenship. Kenya is India's oldest place of settlement within the British Empire, a settlement that long antedated the Empire, in fact. But for the Indian merchants, who first carried British trade to Kenya, the British flag would not be flying there now. If the first steps towards equality of citizenship are not to be taken in Kenya, under the threat of violence on the part of the white settlers, notwithstanding the Imperial Conference resolution and the solemn obligation of the British Government, which is pledged to religious and racial neutrality, the effect upon the constitution of the Empire will be profound and fundamental, and India will be driven to face a future either of racial subordination within the British Commonwealth, which will then be no Commonwealth for the non-white races, but a racial Imperialism, or of sullen hostility to it, but outside the British Confederation.

It is these facts that deputations representing respectively the Indian Legislature and the Kenya Indian community will shortly be placing vigorously before the British public and Government, and upon the success of their mission the future of the Empire will largely depend.

able to manage their own affairs. It claims that the natives are more likely to learn the arts of self-government from a community that is making a stand for equality of opportunity for all races in the British Empire than from one that demands homage as a permanent ruling race. In addition, it claims that Indian interests do not clash with those of the indigenous population, but are complementary thereto. The Indians reject a communal franchise on the grounds that it is undemocratic; that in the case of Guyana and S. Rhodesia Indians and Europeans have always enjoyed a common franchise and, consequently, that the Europeans, who will have a majority of voters for many years to come, do not need it and themselves do not want it; that the Europeans demand it in order to maintain their racial exclusiveness, which makes them contemptuous of the non-white voter; that it will render common and friendly political relations impossible; that it will encourage racial feuds both within and outside the Legislature; that the Europeans hope by its means to obtain a permanent majority of their racial element in the Legislature; and that a common franchise with a communal franchise would result in the election of only moderate men of both races, who can be relied upon to work together for the interests of the country, but who at present are able to make their own interests difficult.

In India the case of Kenya, as three successive Viceroy's have borne witness, is regarded as the greatest in British sovereignty. India, as an equal Member of the League of Nations, is entitled to have her rights as the nationals in the British Crown Colony of Kenya in no way inferior to that assured to her in the neighbouring mandated Territory of Tanganyika. She has been assured that in the British Commonwealth is her ideal, her right, and her privilege. She is a member of the Imperial Conference that has, with the exception of South Africa—where racial divisions and prejudices have already created an Imperial crisis of considerable magnitude—adopted the principle of equal citizenship. Kenya is India's oldest place of settlement within the British Empire, a settlement that long antedated the Empire, in fact. But for the Indian merchants, who first carried British trade to Kenya, the British flag would not be flying there now. If the first steps towards equality of citizenship are not to be taken in Kenya, under the threat of violence on the part of the white settlers, notwithstanding the Imperial Conference resolution and the solemn obligation of the British Government, which is pledged to religious and racial neutrality, the effect upon the constitution of the Empire will be profound and fundamental, and India will be driven to face a future either of racial subordination within the British Commonwealth, which will then be no Commonwealth for the non-white races, but a racial Imperialism, or of sullen hostility to it, but outside the British Confederation.

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M.J. Kenya
21135
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Handwritten initials 'Jc'.

2 May 1923

DRAFT.

Her Secretary
Overseas Association

Sr

I am to thank the recd

MINUTE.

of your letter of the 27th of

April enclosing six copies

of "A Short Statement of the

Kenya Policy Situation"

issued by the Indian Overseas

Association

(Signed) H. J. READ

Received 30.4.23
P. King

- Mr. Davis.
- Mr. G. Grindle.
- Mr. H. Read.
- Mr. J. Masterton Smith
- Ormsby Gore.
- Mr. of Devonshire.

CF required ✓