

1923

KENYA

30  
C. O.  
34432

FROM  
*Anker, C.H.*

DATE  
*9th July 1923*

RE  
*10 JUL 23*

FOR CIRCULATION:-

Mr. *B. M. G. G. G.*  
Mr.  
Mr.  
Asst. U.S. of S.  
*+ G. H. Road*  
*12/11/23*

SUBJECT

*Representation of  
Indians on  
Municipal Council*

*See also memo*

Perm' U.S. of S.  
 Part' U.S. of S. *12-13-23*  
Secretary of State.

Previous Paper

*10 MAR 1924*

MINUTES

*From the point of view of the  
Dept. this Mully is a  
very useful memorandum.  
Perhaps it was all known  
to you, but this is the  
first statement wh. I can  
remember ever seeing,  
that gives a history of  
the Nairobi municipality  
and the conflict that  
has raged about it locally.  
I think we shall be able  
to meet the Imperial  
views quite satisfactorily,  
but you will note that  
the complication of  
G. O. R. is beginning  
to creep in here.*

*Forward 18 July 23  
City Council, 10/11/23  
Reminds to Gov Kenya Council*

Subsequent Paper

*5/2/24  
5/2/24  
5/2/24*

ultimately, I think,  
a copy of this  
will go to the  
Govt. of Kenya -

For the moment,  
subject to any-  
thing wh. may  
have passed at  
the interview w/d  
L. of wh. we do  
not know, only  
an acct. is required  
& submit it.

ALP

12.7.63

Very careful, & what is thought  
to have received from the local  
Govt. Govt. It should  
entirely and it out after the  
general settlement.

As regards Eoan - I  
see no objection to election  
representation being given to  
all non-Britishers in the  
Council: if the Eoan can be  
closed as British without  
them I should certainly  
include them.

I agree that this is a desirable  
arrangement.

After the letter of acct. (which  
I think you have seen),  
I hope that the papers to  
be sent for the S.P.S.  
to read.

The intention is not  
in reply to any specific  
request made at the S.P.S.  
forum meeting  
concerning the European  
delegation which  
administration will  
on the 19<sup>th</sup> of June.

I think I am right in  
saying that during the  
last year considerable  
information for the  
Administration on the  
Municipal Council of  
Calcutta has been  
obtained.

Alison L.S. 13.7

~~W. J. G. G.~~  
18 March

h/1. maintain limits  
with W. J. G. G.  
Gov. & the S. J. G.  
to see this.

all  
(18.7.21)

seen. Presumably  
we shall discuss  
concrete proposals  
later.

18.7.21

~~W. J. G. G.~~ D 19.7

The general Rep. in Cond.  
1922 Gov. has  
been asked to send  
full report on working  
of N. B. Municipalities  
& put up definite  
proposals.

? Ref. on appropriate  
plan in the Rep. would  
be very fine copy  
of the Archib. letter  
received. + the reply -  
say that the memorandum  
contains much  
inf. wh. Gov. has not  
seen

minutes received from  
Col. G. G. & what  
it will not do to be  
of use to Gov. in  
subsequent preparation  
proposed in relation to  
N. B. Municipal  
Council - + that  
that in any event  
Gov. may receive  
comments on the  
memo. when Gov.  
writes on this question

all  
(9.8.21)

To proceed - it is better  
to discuss further details  
than for the Gov.

Col. G.  
10.8.21

all



22, GROSVENOR PLACE,  
LONDON, S.W. 1

9th July, 1923. *JP*

Sir,

In accordance with the request made to us at our recent interview, I beg to forward herewith a Memorandum on the subject of the representation of Indians on Municipal Councils in Kenya.

I have the honour to be,

Sir,

Your obedient Servant,

*Chenneth Archer*

*On behalf of the European Delegation*

To *Under-*

The Secretary of State for the Colonies,

COLONIAL OFFICE,

Downing Street, S.W.

MUNICIPAL FRANCHISE.

The question of municipal franchise in Nairobi, the only town in Kenya whose affairs are controlled by a municipal body, has for some years been the subject of discussion between the local government and the Municipal Council of Nairobi. The view taken has been that the basis of Municipal representation cannot be decided on until the wider issue of electoral franchise throughout the Colony is settled.

In March, 1922, the Nairobi Municipal Council passed the following resolution :-

"That this Committee advise Council that no further steps should be taken with reference to the granting of the Municipal Franchise to Indians until the whole general question of the Indian Franchise in this Colony is settled by Government."

This was accepted by Government in the following letter :-

The Secretariat,  
NAIROBI.

30th May, 1922.

Sir,

With reference to your letter T.C. 345/12/5 of May 6th, I am directed to inform you that His Excellency, after due consideration, has decided to accept your Council's resolution that no further steps be taken regarding

Municipal Franchise for Indians until the general Indian policy has been settled. I attach copy of a letter addressed to the Indian Association on the subject.

I have the honour to be,

Sir,

Your most obedient servant,

G.A.S. NORTHCOTE,

for Colonial Secretary.

The Town Clerk,  
Nairobi.

Speaking generally, it must be recognised that it is quite impossible for the Europeans to agree to any standard of municipal franchise which would have the effect of handing over the control, either in a greater or less degree, to Asiatics. The chief function of a Municipal Corporation is to <sup>manage</sup> ~~control~~ the affairs of the town in such a way as will safeguard the health and be for the general convenience of the inhabitants. It is notorious that Asiatics are particularly backward in all matters of hygiene and sanitation, that they are careless of life, and view with a passive indifference the outbreak and spread of epidemics and disease. Moreover, they have had no experience in the past of municipal government, and in India itself to-day municipal government by Indian Councils is only in the experimental stage. As an instance of the disregard of Indian local authorities for the general welfare of the inhabitants, one may cite a recent resolution of the Bombay Municipality

prohibiting members of the depressed classes from using State Schools, public offices and conveniences and even the highways.

To permit control, or anything in the nature of control, by Asiatics is clearly impossible.

Having regard to the numbers of Asiatics in Nairobi, Mombasa and Kisumu, the three principal towns where there is a large Asiatic settlement, election on a Common Roll, even with a ward system would, at the best, inevitably result in a return of equal numbers of Asiatics with Europeans. The probability is that Europeans would be left in a minority.

Moreover, for the reasons which have been previously given, in connection with the general electoral franchise, it is believed that a communal system of election will best meet the needs of a population composed of several communities whose training and habits of life are dissimilar.

In view of the fact that Nairobi is the only town in Kenya which, at present, enjoys control of its own affairs, it is proposed to limit the suggestions for Asiatic representation in the Municipalities to the case of Nairobi. The facts with regard to Nairobi are as follows :-

In 1900 the Municipal administration was placed in the hands of a Committee, which in 1912 became a Municipal Council.

Since 1905 the number of the Committee, or Council, has fluctuated between 13 and 18, and now stands at 16.

Previous to 1916 the Committee consisted of one Indian member, one Goan member, and the rest Europeans. No question of increased Asiatic representation had been raised. It was composed of nominees of the Governor, half of whom (until the end of 1918) were Government Officers.

✓ It is still a nominated Council but in 1916 an arrangement was made with the Government by which, in the absence of a Municipal Elections Ordinance, informal elections of unofficial members were to be held, and the names of the successful candidates forwarded to the Governor for nomination. (This arrangement still remains in force). It was also then agreed to allow the Indian Association, who had offered to conduct an Indian election, to make their own arrangements for the election of two Indian members, and the same privilege was accorded to the Goans to elect one member.

Elections duly took place, the European election being conducted by a sub-Committee of the Municipal Committee. The Indian elections, however, were attended with such flagrant irregularities that the Governor refused to recognise them, and he nominated persons selected by himself.

The 1917 Committee thus constituted, prepared a scheme for municipally conducted elections of Indian and Goan members. There were to be two Indian members, and one Goan. There was no property qualification for voters, and the only educational qualification was the voter's ability to read and to write his own name in his own language. An Indian Government Schoolmaster was employed to test the qualifications of Indian applicants.



Elections were duly held under this scheme and the successful candidates served in 1918.

The Election Committee for 1919 (which included the Director of Education), being satisfied from personal knowledge that a large number of illiterate Indians had secured admission to the 1918 Register by taking lessons in writing their own names for that occasion only, refused to carry forward names from the 1918 Indian Register without repeating the educational test. This decision was submitted to and confirmed by the Municipal Committee but it was resented by the Indian Association, and in consequence no Indians presented themselves for election, and the Indian community has remained unrepresented ever since.

In July 1919, the Council agreed in principle to the nomination of three Asiatics (including any Goan whom it might be decided to appoint); but expressed themselves as adverse to Asiatic election. The Indians having refused to accept nomination on these terms, the Governor appointed one Goan member, and has since continued to do so each year. The Goans, who are of course, foreign subjects, have acquiesced in this arrangement.

The Council now consists of 15 Europeans (nominated after election), and one Goan (nominated without election.)

In 1920 the Council passed a resolution that the Indians should be offered four elected representatives on the Council. This offer was declined by the Indians.

In November, 1921, the Governor made further overtures to the Indian Association, and a conference took place. At this conference, the proceedings of which were perfectly amicable, the Indians took up the position that, subject to property and elementary educational qualifications, Indians and foreigners and natives, both male and female, should be admitted with Europeans to a common register, and that election should be by wards, which should be defined without respect to the number of voters residing therein.

It is considered by the European Delegation that the proposal which the Municipal Council made in 1920, offering Indians four elected representatives on the Nairobi Municipal Council, should be adopted.

It must be remembered that the Asiatics are divided into several groups. There are Goans who, though not British subjects, are at present given Municipal representation as ratepayers. The Indians are divided into Hindus, Mohammedans, Sikhs and Khojas.

For the same reasons that prompted the adoption of Communal Franchise in India itself, it is submitted that these communities should be represented by one member each. Were any other arrangement made, it is probable that one or more of these communities would predominate at the expense of the welfare of the others. Should, however, this suggestion of distribution of seats not prove acceptable to the Government, it is proposed that after a decision as to the form of franchise and the number of seats to be given, a local Commission

should be appointed to enquire into the above issues. In any event it would appear that the standard of the qualifications to be fixed for admission to the voter's roll should be dealt with locally by some such Commission, which would have an opportunity of taking evidence and considering local conditions before coming to any decision.

The dangers of an undue preponderance of Asiatic members on the Nairobi Municipal Council would be intensified in the case of Mombasa, which is the port of the country. There the Indians and Arabs (who would be equally entitled, presumably, to the electoral franchise) would outnumber very considerably the European population, and unless a strictly limited number of seats were given to Arabs and Asiatics, the health of Mombasa would probably be destroyed - a most serious matter for the whole Colony as Mombasa is the only port town. It is only necessary to mention the case of Port Louis in Mauritius, which has been referred to in greater detail in a previous Memorandum (No. 4.) to indicate the enormous importance of keeping the control of matters of health and sanitation in the hands of Europeans.

The conditions in Mombasa and Kisumu, and other growing townships, differ considerably from those obtaining in Nairobi, and it is suggested that as and when any town becomes ripe for local government, an inquiry should be held, on the spot, as to the form of representation which should be adopted. It would be absurd to lay down any hard and fast basis for application to townships whose population and circumstances are widely dissimilar.

50/20 where the  
 trifurcated no  
 from a  
 of men  
 a Mombasa

C. D.  
R 14 JUL  
D 16

for Sir J. M. ...  
fig.

of 34632 Henry  
~~SE~~

20

DRAFT.

9<sup>th</sup>

C. Kenneth Archer

MINUTE.

15 July 1912

Mr. Poulton 12/7/12

Mr. Belmont 12

Mr. Davis

Sir G. Grindle

X Sir H. Read 12/10/12

A Sir J. Masterton Smith

Mr. Ormsby-Gore

Duke of Devonshire

re comm

(Duke's)

12/12

Minic.

1170 16/12/12

I am etc. to each.

This receipt of your

letter of the 9<sup>th</sup>

July & to thank

you for the information

wh. you have

prepared on the

subject of

O. D.  
R 13 AUG  
D 16-

16 August 1923

Sir,  
Para 3 (iii)

with ref to my despatch No 1125

DRAFT.

ya 55  
No 170

Oaf (copy 5627023) of the 9<sup>th</sup> of August, I have

MINUTE.

- Mr. Burt Aug 13
- Mr. Harkins
- Mr.
- Mr. Davis.
- Sir G. Grindle.
- Sir H. Road.
- Sir J. Maaterton Smith.
- Mr. Ormby-Gore.
- Duke of Devonshire.

to transmit to you, for you  
are enclosed copy of correspondence  
concerning a copy of a letter from

Mr. K. Archer, in which he  
subject of municipal  
enclosed a memo. on  
franchise in Kenya.

~~representation on Municipal~~

~~Committee in Kenya, of the~~

~~letter which was sent to them~~

~~in reply.~~

2. The memorandum contains  
by Mr Archer contains  
much info which I have not

Mr K Archer 9 July

18

To  
34432

them so received, & it will  
no doubt be of use to the Govt

Part of ~~the~~ ~~proposals~~ ~~in~~ ~~preparing~~  
considering  
proposals in relation to the  
this matter.  
~~Devon Municipal Council.~~

It is a great pleasure  
to receive your  
reply to the  
address on this  
subject proposed for the  
future constitution  
of the Devon Council.

~~reply to the~~  
~~address on this~~  
subject proposed for the  
future constitution  
of the Devon Council.

(Signed) DEVONSHIRE

you that I shall be  
pleas'd to learn when

I may expect to receive  
your <sup>views</sup> reply ~~from you~~ on

this matter.

I &c

71  
You that I shall be  
glad to learn when  
I may expect to receive  
your <sup>views</sup> ~~reply~~ from you on  
this matter.

I &c