

EAST AFR. PROJ  
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REC'D  
MAY 20 1920

INDIA OFFICE

POSITION OF INDIANS

1920

MAY

Trans copies of Resolutions passed by the East African Indian National Congress on subject of

previous Paper.

23382

*Mr. Secretary Sec. of State Sir G. Fisher*

*This is sent for info. only - in view of the recent decision in policy it need not be mounted in detail.*

*We get much of the same sort of statements as hitherto - but there are additions which are nationally important but which may nevertheless be given as pp 6 & 9 of the last enclosure.*

*sent for*

subsequent Paper.

3662

*Attorney Gen. 13/5*

*13/5  
13/5/20*

100A

Communications on this subject should be  
passed to—

Under Secretary of State,  
**Public Dept.**,  
India Office,  
London, S.W. 1.  
— wing number quoted —  
C. & P. 2774/20.

Reference to previous correspondence :

Letter ~~from~~ <sup>to</sup> the India Office of the 31st March, 1920,  
No. 15461/20.

C O  
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INDIA OFFICE,  
11 May, 1920.

Sir,

I am directed by the Secretary of State for India in Council to  
transmit to you, for the information of the Secretary of State  
copy of the papers noted below, on the subject of <sup>for the Colonies,</sup>  
Indians in East Africa.

I am, Sir,

Your most obedient Servant,

~~F. W. HENDERSON~~  
F. W. Duke.

Under Secretary of State,  
Colonial Office.

Date	Description
April, 1920.	From Government of India and enclosures.

No. 681

SPARE COPY.

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2774

1920

GOVERNMENT OF INDIA.  
DEPARTMENT OF COMMERCE.  
SIMLA, the 5<sup>th</sup> APRIL 1920.

From

R. B. ENBANK, Esquire, I. C. S.,  
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA,

To

The Secretary,  
Judicial and Public Department,  
India Office.

Sir,

With reference to your letter No. J. & P. 1052-20, dated February 25th, I am directed to forward, for the information of the Right Honourable the Secretary of State, copies of a letter dated February 7th, from the President of the Eastern Africa Indian National Congress, with accompaniments, and of a telegram from the President of the Indian Association dated March 17th, and a letter in original, dated March 16th, from Mr. I. B. Desai of Ahmedabad.

I have the honour to be,

S i r,

Your most obedient servant,

R. B. ENBANK,

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

L.N.

EASTERN AFRICA INDIAN NATIONAL CONGRESS.

Nairobi, 7th February 1920.

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Mombasa.

Your Excellency,

In March 1919 by a special deputation sent by the Indian Association, Nairobi, a memorial was presented to Sir Thomas Holland in your Excellency's unavoidable absence on the subject of British Indians in these Protectorates. In continuation of that I have the honour to forward here in a copy of resolutions passed at the second session of Eastern Africa Indian National Congress held on 15th and 16th November 1919 at Hair's Buildings, 6th Avenue, Nairobi.

The Congress which was representative of Indians of East Africa, Uganda, Zanzibar and ex-German East Africa was attended by over 200 delegates from all the four Protectorates and was opened by His Excellency the Acting Governor Sir Charles Bowring, in the unavoidable absence of His Excellency Sir Edward Northey, regretted so much by the Indian public.

In any case the Indian public are confident that in your Excellency they have got a champion of fair play and justice, and they request your Excellency to do what lies in your power in establishing the equality of political status for Indians in these Protectorates, because Indians by their sacrifices in the great war here in Eastern Africa and other theatres have made their claim for full rights of citizenship of British Empire absolutely irresistible—a fact which no one is more alive to than your Excellency.

It may not be out of place to mention here that on the advice of political leaders from India and in the hope of sharing equal rights and responsibilities with the other fellow subjects of His Majesty the King in East Africa, Zanzibar and ex-German East Africa Protectorates, the Congress Committee has decided to refrain from asking for special differential treatment for Indians and consequent reservation in ex-German East Africa for Indian Colonization under Section No. 17.

As the whole question of Indian political rights is in

the melting pot and before long will be finally decided by the Right Honourable the Secretary of State for the Colonies; I cannot sufficiently impress the importance of the occasion and request Your Excellency to approach the Right Honourable the Secretary of State for India to take proper action in the matter before the destinies of loyal Indian subject of His Majesty the King in these Protectorates are finally shaped.

I have, etc.,

B. N. S. Varma,  
for President.

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Copy of resolutions adopted at the Second Session of the East African Indian National Congress held on the 15th and 16th November 1929, at Kafir's Building, Nairobi, under the presidentship of Husesinhaji Gulaman Virji, Esq.

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That this Congress deplores the practice at present obtaining of imposing restrictions on land sales and mortgages between the European and the British Indian subjects of His Majesty the King Emperor and humbly prays His Majesty's Government to be pleased to instruct the local Governments to remove all such restrictions.

2. That this Congress emphatically and indignantly protests against the expressed opinion of the Convention of Associations that the immigration of British Indians should be restricted with a view to their ultimate exclusion. This Congress is of opinion that the presence of the British Indians in East Africa is in no way interfered with the desired advancement of the children of the soil, but on the other hand their presence is conducive to their advancement.

3. That this Congress in consideration of the services rendered by the Indians in conquering the ex-German East Africa respectfully prays the League of Nations and the mandatory power thereunder to reserve the said territory for the purpose of Indian colonisation.

4. That in view of many disabilities, discomforts and hardships continually suffered by Indian passengers and shippers by the European managed steamship lines calling at the East African and Zanzibar ports and the great increase in the complaints of the sufferers, it is most necessary and advisable to save the Indian public from such disabilities imposed upon them at the pleasure of European managers by organising a purely Indian line of steamers an earnest appeal should therefore be made to the leading Indian capitalists of East and South Africa and India to combine strongly and to organise a line to meet the requirements of the Indian traders and public.

5. That this Congress is of opinion that the clause in the Bill of lading of the British India Steam Navigation Company which reads as follows be amended to the value of Rs. 1500/- per freight ton and Re. 750/- per package.

The Company will not be accountable for gold, silver, bullion, specie, jewellery, precious stones, precious metals, plated wares, documents, works of art, watches, silks or other precious or valuable articles in any respect or goods of any description whatsoever beyond the value of Rs. 500/- per freight ton or relatively for any portion thereof or beyond the amount of Rs. 250/- for any one package, or relatively for any portion thereof, unless a declaration of the value of such goods has been made prior to shipment and a special written shipping order or advice note granted for same and unless the Bill of lading be signed for such goods and the value declared therein.

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 Telegram dated Nairobi, the 16th March 1920, from the President, Indian Association, to H. E. the Viceroy, Delhi.

Sale of sixty business plots in centre Nairobi 7th April advertised largest sale since 1911. Confined Europeans only great injustice to Indians. Please take up matter with Colonial Office and obtain permission Indians to bid.

260, Ghansiram's Pels, Khadia, Ahmedabad,

the 16th March 1920.

May it please Your Excellency,

I have the honour to place before your Excellency the question of grievances of the British Indians in the East Africa Protectorate, a few of the said grievances were narrated in the memorial sent to your Excellency by the East African Indian memorialists on the 2nd day of March 1919, which memorial has been forwarded by your Excellency to the Right Honourable the Secretary of State for India and to which memorial the undersigned begs leave to refer.

2. Soon after the termination of the hostilities the Government of the East Africa Protectorate introduced a bill in the Legislative Council to provide land to ex soldiers who have fought during the war and in defining the word "ex soldiers" the Government restricted the term to soldiers of European British origin who have fought during the war. No sooner this bill was issued in the form of a supplement to East African Official Gazette than the Nairobi Indian Association wrote to the Honourable the Chief Secretary to the Government of East Africa asking him to make provision for providing land to Indians on the same qualifications as are applied to Europeans, in reply to the correspondence the Indian Association was informed that His Excellency the Governor had decided that in granting land under the ex soldier settlement scheme first preference would be given to Europeans and if there would remain any land unallotted it would be given to Africans (Indians totally ignored). By this scheme the European volunteers as well as those who fought in other campaigns other than the East African one were benefited whereas the claim of Indian soldiers and volunteers was set aside, although it is a fact that India contributed a large sum of money, men, munitions, etc., for the East African campaign.

(3) Although in 1918, Lt. Col. Amery, the Under Secretary of State for the Colonies, had stated in reply to a question

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In the House of Commons to Commander Wedgwood, that effective representation would be given to Indians in the East Africa Protectorate, the East African Government totally ignored the Indian community when the East African Legislative Council Ordinance 1919 was passed, whereas by the said Legislative Council Ordinance 1919 the illiterate European community also was given the right of franchise which has been denied to British Indians. By this ordinance there will be in the Legislative Council eleven elected Europeans besides eleven nominated European officials, two nominated Indians and one nominated Arab officials.

(i) The population of that country is about two and a quarter million natives, thirty five thousand Indians, and eleven thousand Europeans (of all nationalities). There is payable to the Government by every non-native male adult a Poll tax of Rupees fifteen per annum and besides this tax there are other taxes to wit:- Land tax, customs duties, postage and revenue, etc., which are paid by Indians in a larger proportion than Europeans.

(ii) In East Africa Protectorate nearly eighty per cent of the trade is in the hands of the Indians and the traders have to pay a Trade Tax of Rupees one hundred and fifty (each) every year besides the tax of Rupees thirty payable to the Municipality.

(iii) The Indians, hence, are conceived to pay a larger amount in taxes than the Europeans but the Legislative Council of that Protectorate allows nearly all the seats to Europeans.

(iv) In the Legislative Council some European members have openly spoken if Indians want the right of franchise and/or of voting they should go back to India.

(v) In the Executive Council which consists of seven members (including the President) there are five Government European officials and two nominated Europeans.

(vi) Before the above Ordinance was passed the matter of franchise was taken up by the Indian Associations



and His Excellency the Governor had promised the nomination of Indians on the Legislative Council to enable him to get the said ordinance through the Council but His Excellency without doing so got the above ordinance passed and subsequent to the passing of the said ordinance he nominated two Indians on the Legislative Council, which action of the East African Government was the subject of the mass meeting of Indian citizens of Nairobi held on the 17th August 1919 to consider the resolution of Mr. D. B. Desai dealing with the question of electoral franchise to the Indian community; the meeting passed the following resolution:-

"That in view of the fact that the Indian community in general and the members of the Indian Associations in British East Africa in particular were and are from the beginning for electoral representation, and that in <sup>view</sup> ~~view~~ of the fact that proper and due representation of the Indian community is not recognised by the Government and that the Government is one with the resolution of the Convention of Associations that no franchise be extended to the Indian community in this country.

And that the acceptance of nominations on the part of some individuals is, in the opinion of this meeting, sure to nullify the work of the various Indian Associations of this country, that of the Government of India and also of the Imperial Government.

This meeting strongly condemns the action of those who have accepted the nominations and that this meeting humbly and most respectfully requests His Excellency the Governor in Council to make suitable provision to extend the right of franchise to the Indian community on the same qualifications as are applied to Europeans. And that those who have accepted the nominations are not, in the opinion of this meeting, the representatives of the Indian community and that if His Excellency the Governor in Council is not prepared to accede to the request contained in this resolution, the Government are hereby most humbly and respectfully requested to state their reasons in writing."

And by another resolution it was resolved that a copy of the above resolution be sent to the B. E. A. Government, the Government of Bombay, the Imperial Indian Government, the Secretary of State for India, Secretary of State for the Colonies, etc., etc.

(4) In a recent letter to the Press in East Africa the Town Clerk of the Nairobi Municipality has stated that nearly 37%, 31% and 27% of the Nairobi Municipal taxes are paid by the Indians, Europeans and the Government respectively: the latter consistency of Europeans and Indians. In spite of this the Government of the East Africa Protectorate have thought fit to give fifteen

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elected seats to Europeans on the Nairobi Municipal Council which consists of fifteen members including the President who is a Government officer, and is offering two seats to Indians who should be nominated.

(5). On the 10th December 1919 the East African Government issued a supplement to the Official Gazette in which supplement there was published the Removal of Undesirables Ordinance which states "any person within the Protectorate not being a native of the Protectorate who from information officially received is deemed by the Governor in Council to be an undesirable may be ordered by the Governor to remove himself from the Protectorate before a date to be prescribed in such order". I may here mention to your Excellency that many European settlers have openly stated in the Councils and Committee meetings that Indians are undesirables and are of inferior race and as it is thought by Europeans that Indians be totally excluded from the East African Protectorate they and their settlers will take recourse to this ordinance.

(6) In the last war the East African Protectorate was under Martial Law from 5th August 1914 to February 1919, and during which time many Indians had to pay the maximum of the penalty and which ~~regime~~ <sup>regime</sup> was ~~such~~ one of terror to Indians of that country. It is believed there that majority of the Indians who were innocent had to pay the penalty.

(7). The Conventions of Associations had passed in the year 1918 resolutions (copies attached to the East African memo of 22nd March 1919) to exclude Indians from that Protectorate but when they failed in their object they got introduced into the Council an Ordinance for trading licenses which Ordinance has been put into force from the beginning of this year. This ordinance, as is mentioned in paragraph 3(4) hereof, the traders have to pay Rs. 150/- a tax and besides they have to get every year a license for their business. The Licensing Officer are Europeans. In this Ordinance there are many strict rules as regards the obtaining of the license. It further states that even for the slightest mistake in the mode of conducting business the trader's license will be withdrawn.

As most of the trade is in the hands of the Indians the Ordinance will be a hardship to them and by which the European Community would achieve their object.

(8) The land trouble began in 1907 when the Land Board of that Protectorate recommended that Indian emigration be encouraged as much as possible and that no Government land be allotted to Indians. This resolution was transmitted to Lord Elgin, the then Secretary of State for the Colonies by Mr. Montgomery, the then Commissioner of Lands, but in doing so Mr. Montgomery felt to be his duty to point out several facts to the Colonial Secretary, which were:- (a) Indians have been in the country for the many generations and came long before the Europeans (b) The Uganda Railway (the great factor in the development of the country) was made by Indian labour. But for such labour it would never have been constructed at all (c) most of the trading wealth of the country is in the hands of the Indians and finally (d) Indians are British Subjects. Lord Elgin's views on the matter were laid down in a despatch sent to the Governor on March 11 in 1908 he stated: "with regard to the granting of land to Indians, it is not consistent with the views of His Majesty's Government to impose legal restrictions on any particular section of the community, but as a matter of administrative convenience, grants should not be made to Indians in the 'planned areas'. The planned areas are about 30,000 square miles. Up to this time the land question was being on very smoothly. In 1912 the Mining Ordinance was passed and Indians were forbidden to acquire any right in the mining area. In 1915, during the war, when Indians were territorial owing to Martial Law, the Government passed the new Town Planning Ordinance by which the Governor was empowered to regulate all transactions between persons of different races and to a considerable extent excluded when Indians are the parties to ~~the~~ <sup>be</sup> benefited. Indians were not allowed to bid for the properties belonging to the Government, situated in the East African Protectorate and sold in public auction. In or about 1912 Prof. Simpson, went to the East African Protectorate, under the authority of the Colonial Officer and he divided the Township into localities <sup>for</sup> residential

residential and for business for Europeans and Indians respectively and as the result of the suggestions of Lord Simon the Government passed in the year 1919 the Rules of the Segregation of Races under which it is laid down that a person of one race cannot reside on the premises belong to him if the said premises are situated in the locality of another race even though he may have spent a good sum on same, if the said premises have not been occupied by him or by a person of the same race, before the passing of these rules, a person committing a breach hereof is liable criminally. Several properties belonging to Indians are near the European's properties and they have a eye on them, further the Europeans and the Government who is guided by the European settlers desire to remove the present nuisance which is now completely built by Indians and the said nuisance they may have to pay considerable amount for the cause of many Indian belonging properties. To remove the said amount and to remove the Indians of their properties the Government passed the Town Planning Ordinance, the objects of which are sanitary conditions, amenity and convenience and the said Ordinance lays down that (1) if the premises would not be affected injuriously by the Town Planning scheme, (2) if the Town Planning would not be sufficiently carried through and (3) if the application for compensation would not be made in the prescribed way no compensation to the holder of the property will be made, further the same ordinance says that if the property will be increased in value by the Town Planning scheme the Government shall be entitled to one half of the increase. Any dispute regarding the compensation paid of the increase will be submitted to the arbitration of a single arbitrator appointed by the ~~Government~~ Governor. By the Town Planning Ordinance there will be hardship for acquiring new properties by Indians and by the 1919 Town Planning Ordinance the old Township properties may be taken away from them (1) times without any compensation.

(B) Major General Sir Edward Herbert, the Governor the East Africa Protectorate has gone to England on 5th November 1919 to discuss

discuss with the Right Hon'ble the Secretary of State for the Colonies the British East African Indian question and to decide the fate of Indians in that country; he would have already discussed, I believe, the said question with Mr. J. L. Amery and he would be waiting for the Right Hon'ble Lord Milner for his final approval and consent. Right Hon'ble Lord

Lord Milner will go to England at the end of this month, hence this question would be finally decided then. I may further mention to Your Excellency that it is no longer a secret that during His Excellency Major General Sir Edward Northey's regime of ten months not less than four anti Indian ordinances have been passed and that His Excellency's attitude towards the Indians was clearly known by the Indian community when he excluded on fear from the Europeans the Indians from the "at home" which he gave on the 16th July 1919 on the occasion of peace celebrations.

(10) His Excellency Sir Edward Northey will have an advice on this subject from Major E. S. Grogan, the President of the Convention of Associations and the Member of the Economic Commission, who has the strong anti Indian feeling in his heart.

(11) It has been noticed that the Indian Government has deputed Sir Benjamin Robertson to go to British East Africa, on his return journey from South Africa, which journey will take at least a couple of months, after which period he will submit his report on this most vital and burning question: but the said question will be decided in England long before the report reaches to your Excellency's Government and it is my belief that it will be very difficult to reopen this question if once the same has been decided and that it is feared that if your Excellency's Government will not take immediate action in this matter the said question will not be amicably settled.

(12) The question of education to Indian students, the medical help to Indians, the offering of the official posts to Indians, the removal of restrictions to professional men of Indian degrees, etc., etc., requiring Your Excellency's kind attention.

(13) The Economic Commission which was appointed by Sir Selfield and Sir Baring, the Governor and the Acting Governor of the British East Africa Protectorate in the years 1917 and 1918 respectively under the Royal Seal has submit

its report to totally exclude the Indians from that Protectorate and to gradually fill in the posts occupied by Indians by Europeans and natives. It surprises me the most when the cable from the Ruler states that the views represented in the said report are neither of the East African Government nor of the Home Government. The Commission has been appointed by the Representative of the King, there are a few officers on the said commission, and the commissioners have taken evidence on oath.

(14) At the present time, I believe, the Secretary of State for India, has no authentic official information to defend the Indian cause at the forthcoming discussion; he may have the private information in the form of the memorial, telegrams, letters, etc., which information I conceive will not be useful to defend the cause.

(15) I had written to the Government of India on this subject and requesting them for the commission. They have forwarded, I have been informed, my correspondence to Sir Benjamin Robertson and they have stated that the Government of India are unable to agree to my suggestion for the appointment of a Royal Commission to enquire into the case of Indians in East Africa.

(16) I beg to re-iterate the grievances mentioned in the memorial of the 22nd March 1919.



In praying your Excellency to take immediate steps for the amelioration of the Indian grievances I would lay stress upon the consideration that the responsibility to safeguard the British Indian interests in that country lies at your Excellency's doors. There is here no question of imposing the will of the Indian Government or that of the Imperial Government upon a self governing colony, nor is your Excellency faced with the difficulties arising in those dominions where the ideal of a white man's colony is entertained. British East Africa is not a white man's country either in the sense of having been won like Australia from barbarism by the unaided labour and enterprise of the white man or in the sense that it can be developed and colonized by a non-tropical community. It cannot be overlooked by your Excellency that the issue is fraught with consequences of the highest imperial moment. As has been shown the maintenance and extension of anti Indian prejudice in the legislation and administration of East Africa cannot fail to have the most unfortunate effects on the contentment of the people of India under British Rule and to react most adversely on the political situation in India and I am confident that your Excellency will be anxious to afford the Indian Community which has done such signal service for the development of the protectorate and during the war which heroically volunteered in favour of the Allies, these ordinary rights of free men, it has fully earned and for doing so your Excellency will heal the wound of Indians if your Excellency will

(1) cause to be immediately appointed either a Committee or a Royal Enquiry Commission (the latter preferable) to enquire officially into the Indian question of East Africa and to report thereon, suggesting the ways and means for aicable settlement

(2) Cause the final decision in England as regards the East African Indian question to be delayed till such time as the official report is presented to the Government.

And your petitioner will ever pray

I have the honour to be,

Your Excellency's

most obedient humble servant,

pd/-