

1921

KENYA

C. O.
44436

Per D SEP 2

From
India Office

Date
5/12/21
(recd 5/9)

FOR CIRCULATION:-

SUBJECT

- Mr.
- Mr.
- Mr.
- Mr. Grindley
- Sir H. Lambert
- Sir H. Read
- Sir G. Fiddes
- Mr. Wood
- Mr. Churchill

Indian Policy.

Statement by S/P for India on movement
of proposals by the S/P for the Colonies

Previous Paper

MINUTES

So
44071

Mr. Fiddes

1. Letter 41079/2 is not secret
I thought this had better be
revised to read

2. We sent copy of the memo
in 41079/2 to I.O. Principally
for info. we did not visit,
a mass movement of
comments.

You have already seen most
of these reports in a private
letter - I do not propose to
add "line upon line, line
upon line" in covering copy
in them.

3. As regards the covering letter:-
(i) I understood that S/P
accepted 2000 as number

To I.O. Secret. 4th Oct 1921
 Tel. to V. G. Kemp (Hampden) 1st Oct 1921

Subsequent Paper

889
44576

Indians to be enfranchised,
not a percentage - &
that it was not necessary
to pass this in writing -
the minute of 27.8.11 is
4.6.99/11

say that Sir E. M. has been
instructed that 2000 Indian
will be enfranchised - but
knows that it is not
possible to guarantee
a definite number - what
I feel consider it sufficient
to have given Sir E. M.
a definite number as to the
enfranchisement of a
round number (2000).

(ii) I have the idea of a
weekly report by
telegraph - we have asked
for full dig with me to
arrive if possible early in
December. I do not
think the Govt wishes to
handle matters & is
the Govt of India who
characteristically like
to send me.

say that Govt does not
think that it is desirable
to attempt to deal with

that he had proposed
to attend to the arrangements
not completed.

(iii) ? will Sir E. M.
write a paper as
suggested in last
year.

All

6/9/11

H. S. D.

I have this a Sunday
to case you may wish
to speak to Sir E. M. about
it when he
calls today

(i) I see the objection is
principally to the fact
- in fact from our point
of view there might
be advantages in having
it a percentage rather
a fixed number

(ii) Paper

(iii) I see the objection

1911 7.11.11

Mr. Churchill:

You may like to see the comments of the India Office on the Kenya proposals and their covering letter.

There are three immediate points:-

(1). The India Office wish the qualifications to be such as will admit 10% - rather than the 2000 Indians to the franchise. I don't think there is any objection - provided that we point out the difficulty of giving a precise guarantee of numbers in either form.

(2). The India Office want Sir E. Northey to be instructed to telegraph the final recommendations, after local discussion, instead of sending them by despatch as arranged. I don't think you wish to rush the thing and, even if he were to be told to telegraph, you would probably wish to await his full despatch before decision.

(3). The India Office wish Sir E. Northey to telegraph the terms of the announcements he proposes to make, relating to the interim measures, as to nomination of Indians on the Executive Council and of 4 Indians to the Legislative Council, for simultaneous announcement in India.

This, I think, is all right. If you agree, the India Office and

Sir E. Northey will be informed on these lines.

W 8.9.21

hxc

19.9

W. B. B. B.

See copy of my minute
(after thinking to W. B. B. B.)
Attached which I sent to
Sir E. Northey just before his
departure - in order to spare
effort in telegraphing
Draft. L. B. B.

W. B.

SECRET

44436/1921

Downing Street,

4 October, 1921.

Sir,

1. I am directed by Mr. Secretary Churchill to acknowledge the receipt of your letter No. 1 and O. 126/21 of the 6th of September, raising certain points in connection with Indian policy in Kenya, and enclosing a statement of Mr. Secretary Montagu's observations on the memorandum sent to Sir Edward Northey.

2. As regards the qualifications for the franchise Mr. Churchill has instructed Sir Edward Northey that in framing his proposals he should aim at devising qualifications which will admit 10% of the Indian population, though it will be understood that a guarantee cannot be given as to the precise numbers which will in the result be found qualified for admission to the franchise.

3. Sir Edward Northey has further been requested

to

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44436/1921

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3. Sir Edward Northey has further been requested

to

SECRETARY OF STATE,

INDIA OFFICE.

telegraph the terms of the announcements which he proposes to make relating to the interim measures (i.e. the nomination of one Indian to the Executive Council and of 4 Indians to the Legislative Council) in order that simultaneous announcement may be made in India.

4. Mr. Churchill has carefully considered the suggestion at the end of paragraph 2 of your letter, but is of opinion that in a matter of such importance it is essential that His Majesty's Government should be in possession of the Governor's full and reasoned views before arriving at any decision. Mr. Churchill would therefore prefer to await the full report which the Governor has been instructed to forward by despatch so as to reach the Secretary of State, if possible, early in December.

I am, Sir,

Your most obedient servant,

signed H. J. Rankin

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before arriving at any decision. Mr. Churchill would
therefore prefer to await the full report which the
Governor has been instructed to forward by despatch so as
to reach the Secretary of State, if possible, early in
November.

I am, Sir,

Your most obedient servant,

signed H. J. Rankin

Sir E. Hartley,

I now enclose the copy of the letter from the India Office which I was unable to send to you last night. On further consideration Mr. Wood has decided to recommend as follows to the Secretary of State with regard to the three immediate points.

(1) The India Office wish the qualifications to be such as will admit 10 per cent - rather than two thousand - Indians to the franchise. Mr. Wood does not think that there is any objection to this, provided that we point out the difficulty of giving a precise guarantee of numbers in either form.

(2) The India Office wish you to be instructed to telegraph your final recommendations after local discussion instead of sending them by despatch as arranged. Mr. Wood does not think it desirable to rush the thing, and even if you were asked to telegraph, the Secretary of State would probably wish to await your full despatch before decision.

(3)

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I now enclose the copy of the letter from the India Office which I was unable to send to you last night. On further consideration Mr. Wood has decided to recommend as follows to the Secretary of State with regard to the three immediate points.

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(3)

PARAPHRASE

TELEGRAM from the Secretary of State for Colonies to the Officer Administering the Government of Kenya.

Sent 11.20 a.m. 1st October 1921.

Indian policy proposals in Colonial Office minute 8th September approved inform Governor on arrival.

erbee
3.9.21.

omley
9.21.

.Read. 23.

.Masterton-

d.

rchill.

30.9.

The further communication on this subject should be addressed to:
The Under Secretary of State for the Colonies
Department of Overseas
India Office,
London, S.W.

INDIA OFFICE
WHITENALL

LONDON, S.W.

5 September, 1921.

I. & O. 1267/21.

Secret

Sir,

I am directed by Mr. Secretary Montagu to acknowledge the receipt of your letter of the 28th August 1921, No. 41879/21, Secret, enclosing copy of a letter of the same date addressed to Sir Edward Northey and a memorandum of proposals which has been drawn up to serve as a basis of Indian policy in Kenya. I am to request that you will lay before Mr. Secretary Churchill the enclosed statement of Mr. Montagu's observations on the memorandum which has been sent to Sir Edward Northey. As regards the qualifications for the franchise (heading 2 (b) of the memorandum) it is understood that Mr. Churchill has already intimated his readiness to accept Mr. Montagu's suggestion that they should be such as to admit to the franchise 10% of the Indian population. It is suggested that Sir E. Northey should be instructed accordingly and that this alteration should be made in all copies of the memorandum.

It is observed that General Northey has been instructed on his return to the Colony to consult the leaders of all parties with a view to arranging a settlement on the lines indicated in Mr. Churchill's memorandum, and to forward his final recommendations as to reach the Colonial Office if possible early in December. Mr. Montagu does not desire to comment on the procedure which the Governor has been directed to follow in the hope of arriving at a settlement, but he feels bound to observe that the present discussion of Indian policy in Kenya has now been in progress between H.M.G., the Government of India and the

Governor

Under Secretary of State,
Colonial Office.

Governor of the Colony for upwards of two years, and if General Northey's report is not received till December a further long delay must intervene before His Majesty's Government are in a position to announce their final decision. It appears to Mr. Montagu that the delay proposed should be more than sufficient for the preparation of the report, and he would ask Mr. Secretary Churchill to consider whether it would be possible for the Governor to report by telegraph in time to allow of the matter being finally considered by His Majesty's Government during October.

It is observed that Sir Edward Northey is to make an announcement on his return to the Colony in the sense indicated in paragraph 4 of the letter addressed to him on the 26th August, and further is to make known the interim measures regarding the appointment of an Indian Member to the Executive Council and the nomination of two Indians to the Legislative Council, which are to be taken forthwith pending the settlement of the main questions of policy. Mr. Montagu would be much obliged if the Governor could be instructed to telegraph home a week in advance the terms of these announcements and the date on which they will be made, in order that the Government of India may be informed by telegraph with a view to making simultaneous announcements in India.

I am, Sir,

Your obedient servant,

J. Walton
for Secretary

Indulgence & Obedience Recd

INDIAN POLICY IN KENYA.

Observations of the Secretary of State for India on the Memorandum of the Secretary of State for the Colonies.

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(1) General basis of policy. It is of supreme importance that this basis shall be an acceptance by the Colonial Office of the resolution of the Imperial Conference to which Mr. Churchill was a party. It will make the position of His Majesty's Government impossible if within a few months of the passage of that resolution, which means much to India, an alternative basis of policy is accepted by His Majesty's Government. I quite appreciate the force in Africa of the words of Cecil Rhodes, I submit that Mr. Churchill's object may be achieved by basing his policy on the resolution of the Imperial Conference and pointing out that this is in harmony with the policy of Cecil Rhodes - equal rights for civilized men.

(2) Constitution - Legislative Council.

(a) Common electoral roll. I accept with satisfaction the tentative decision on this subject. It is the basic question, and the decision seems to me to be right, and to carry us nearly all the way.

(b) Qualifications. The proposed qualification differs materially from the tentative decisions arrived at by the Interdepartmental Conference between Lord Lytton and Mr. Wood. The educational qualification was to be a reasonable test in English, and a professional qualification in the case of lawyers, doctors, etc., was contemplated as an alternative to the property qualification. Now this dispensation in the case of members of professions is only to be a power of the Governor and the medical profession is not included specifically. But I do not attach any great importance to this. It is a matter for the Colonial Office, and I am content to leave it to them. I do want peace, and I would therefore beg that the qualifications should

should be as small as to qualify not a thousand to fifteen hundred Indians, but two thousand two hundred. It would seem to me that expediency itself suggests that the Governor should make every attempt to achieve this. The Indians have themselves suggested 10% as the number which they seek. They cannot complain if they are taken at their word. They are deprived of the right of criticising in any way the qualifications if this is the result, whereas any lower figure will set on foot an agitation against the terms of the qualification.

It cannot, I would submit, make any material difference to the white settlers. If they have got to accept a common franchise which they loathe, they are only concerned to be in a majority. For many years to come they will have perhaps ten thousand European voters to two thousand two hundred Indians. There can be no conceivable danger even to the prejudiced.

I admit the comparison with India is a dialectical achievement, but carrying the debate into India and promoting dissatisfaction with the franchise there, does not seem to me to be a good way to achieve peace between the two countries, added to which the analogy is really futile. In India we were considering a franchise in which there are no racial discriminations, and where no franchise existed, and it is a franchise which will be reviewed and increased in a very short time. It is not comparable to a country where all the Europeans have on a racial basis already been put upon the franchise. If this argument is used, it will inevitably follow that there will be an alteration demanded in the Kenya franchise whenever there is an alteration in the Indian one.

(c) The constituencies. I have no observations to make upon this matter.

(d) I most strongly object to the reservation of seats. It is a new racial principle which is most objectionable when our policy is to avoid racial principles. Why should not the voters in a constituency have a free choice as to whether they will be represented by an European or an

Indian?

Indian? The Indians do not want it and are quite prepared to accept the results if Indians vote for Europeans, and if Europeans are going to vote for Indians, the whole case of the European settlers goes by the board. I cannot see the necessity for it, for the new immigration proposals (paragraph 4) make it quite unnecessary. I am not clear whether the constituencies are to be single membered or not, but in either event my objection remains unaltered.

(e) (f) (g) and (h) do not seem to me to call for any comment, except that as regards (e) it is presumed that the general election due at the end of 1922 will take place on a new electoral roll, in drawing up which the new franchise qualifications will be applied to persons not enrolled on the existing register.

(3) Constitution - Executive Council. I view with satisfaction the tentative proposal to nominate one Unofficial Indian Member of the Executive Council.

(4) Immigration. I have very little comment to make on this. If the regulations for Indians and Europeans are the same it is difficult to criticise; but I do not understand why the education test is necessary, and it is essential that provision should be made to permit the immigrant bringing his wife and children, who do not fulfil the test, into the Colony.

I would add that presumably in the event of an area being allotted for Indian agricultural settlement, if in agreement with the Government of India it were arranged to give ex-sepoys or other agriculturists from India the chance of availing themselves of this opportunity of settlement, the new immigration regulations would not necessarily be enforced out exceptions might be made in favour of such Indian settlers.

(5) Segregation. I do not think that the decision about residential segregation can be adopted in practice. I do not understand what provision could be made for Indian servants and Indian women if this was the decision. Surely, it is far better to abolish residential segregation and to institute stringent sanitary and medical laws as they do in

an Indian cantonment.

(6) Highlands. This tentative proposal is most objectionable. The most careful cross-examination of the Governor has convinced me that there was no pledge of this kind, but there was a definite pledge to the Indians, of which the existing ordinance is a breach. The pledge of the Government has been absolutely carried out by allotting land in the Highlands only to Europeans.

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It is an unwarrantable infringement of the ordinary liberties of the subject, wholly apart from any Indian question, to prevent a willing seller selling for an agreed price to a willing purchaser land of which he is the owner. It is an unwarrantable disability that Europeans seek to urge the Government to place upon their fellow Europeans. They have their own remedy if they do not wish to sell to Indians, and they can combine if they choose in refusing to sell to Indians. I am the more disappointed that Mr. Churchill states that it is absolutely impossible to make the desired change, because I have ascertained that the Europeans themselves do not regard this as one of the more important questions, and because I am convinced from experience that they find it difficult to defend their case in argument. Nevertheless I would ask that the Governor be instructed to do his best to get the Europeans by negotiation to agree to the small change that I ask for. I do not ask that any grant of land be made to Indians in this area; that would be a breach of the pledge. I do ask that transfers be permitted when willing purchasers wish to buy from willing vendors, and that the ordinance be amended in this sense.

However, if an honest endeavour is made on the spot to settle this matter, and it fails, I am prepared to acquiesce on three conditions.

(1) That Mr. Churchill shall not complain if I express my strong objection to this decision and that I have acquiesced only because I recognised that it was impossible to remedy the

(2) That all the other questions are satisfactorily settled.

(3) That Mr. Churchill gives publicly an explanation on behalf of His Majesty's Government that he found the actions of his predecessors and the construction put upon them by the European settlers as a whole, made it impossible for him to remove the racial bar; but that there would be no similar reservations or segregations made in the future. This undertaking Mr. Churchill expressed on a previous occasion his willingness to give.

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In the event of it being impossible to remedy the Indian grievance in regard to the Highlands, I agree that the Governor should offer, formally and publicly, an area of land for Indian settlement, explaining his offer as motivated by a desire to show that the action which it had been found impossible to remedy in the Highlands was not intended as a mark of racial inferiority and that a privilege similar to that already afforded to Europeans is accordingly being offered in the exceptional circumstances and for this once only to Indians.

I trust that the Secretary of State for the Colonies and the Governor will see that ^{my}~~any~~ comments are meant to secure peace and that I do show a willingness to compromise.

Secret

Downing Street,

September, 1921.

4 Oct.

DRAFT.

59

Sir,

I am directed by Mr. Secretary Churchill to acknowledge the receipt of your letter No. F. and O. 1267/21 of the 5th of September, raising certain points in connexion with Indian policy in Kenya, and enclosing a statement of

Mr. Secretary Montagu's observations on the memorandum sent to Sir Edward Northey

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MINUTE.

Mr. Leaching

22.9.21.

Mr. Batterbee

22.

Mr. *Northey* 22.9.

Mr. Grindle.

Sir H. Lambert.

Sir H. Read.

25/3

Mr. Churchill.

30.9

23.

franchise.

3. Sir Edward Northey has further been requested to telegraph the terms of the announcements which he proposes to make relating to the interim measures (viz: the nomination of one Indian to the Executive Council and of 4 Indians to the Legislative Council) in order that simultaneous announcement may be made in India.

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In a matter of ~~so great~~ importance it is essential that His Majesty's Government should be in possession of the Governor's full ~~and complete~~ views before arriving at a decision.

Churchill ~~does not think that any serious~~ ~~prejudice would be caused by postponing the~~ full report which the Governor has been instructed to forward by despatch so as to reach the Secretary of State, if possible, early in December.

I am, etc.

Handwritten signature: H. J. ...

Handwritten note in a circle: would his opinion prefer ... to assist the