

1923

KENYA

36680

23 JUL '23

HOW
Kenya
Indian Delegation

DATE
19th July 1923

OR CIRCULATION -
Mr. *B. Montagu*
Mr.
Mr.
Asst. U.S. of S.
T. S. H. [unclear]
24/10/23
Perm^a U.S. of S.
Part^b U.S. of S.
Secretary of State.

SUBJECT

Position of Indians

Encloses copy of letter which has been addressed to the Prime Minister by the Indian Delegation

Previous Paper
76
36420
Secret

MINUTES *7 papers*

I gave you this morning a copy of the Charter of Amersed the I. B. L. A., to which ref. is made. I cannot see that anything in the Charter to the Coy etc. is of any relevance, has any relevance in regard to the action of the Govt. after buying out the Company.

Put by

7 July All P

§17 of the Charter: - 23.7.23

There shall be no separate statement of the subject of [unclear]

Subsequent Paper
36420

This certainly meant as
 between power & power, and
 I am quite unconvinced
 that (Chalmers may be
 the position arising from
 the recent policy of
 no answer to Indian
 attempts) has had any
 effect on the ground
 in which the present
 state of affairs is being
 pressed up, full power
 to distinguish between
 one set of H. M. subjects
 & another.

W.P.H.
 W.C.S.

24.7.23.

H. J. H.
 24/7

Atman

25-7-23.

W.P.H. ✓
 (25th 6th. 2nd floor) 25-7-23

This certainly means as
between power & power, and
I am quite unconvinced
that (whatever may be
the position arising from
the recent policy of
concession to Asian
nations) we had not,
throughout the period
during which the present
state of affairs in Hong
Kong is, full power
to distinguish between
one set of H.M. subjects
& another.

W. G. L.

24.7.73.

H. J. H.

24/7

Man

25.7.

24/7 Leg. Secy ✓ WJ
(24th & 25th July 1973) 25.7.73

SPR

Actd 20/7
275

KENYA INDIAN DELEGATION

~~INDIAN OVERSEAS ASSOCIATION~~

~~42, DANES INN HOUSE,~~

389, ~~265~~ STRAND, LONDON, W.C. 2

~~Teleph. Strand-London~~

~~Teleph. London~~

~~Cable-Ind~~

Harvard 25

19th July, 1923

C
36080
RE
23 JUL 23

The Rt. Hon: The Duke of Devonshire,
K.G., G.C.M.G., G.C.V.O.,
Secretary of State for the Colonies,
Colonial Office,
Downing Street,
Whitehall. S.W.

Your Grace,

I beg to forward for your information copy of a letter which has been addressed to the Prime Minister by the members of the above Delegation.

In view of the gravity and urgency of the question I trust that it will receive your earnest consideration.

I am,

Your Grace's obedient servant,



for: Kenya Indian Delegation.

THE RT. HON. STANLEY BALDWIN, M.P., PRIME MINISTER.

Sir,—

1. The question of the future constitution of Kenya Colony involves issues of the gravest importance from the Imperial point of view.

2. It must be stated at once that the acceptance of all or any of the demands put forward on behalf of the European settlers would be a deliberate violation of the principle of equality of treatment, the guarantee of which is the rock on which the loyalty of India to the British Empire is based. If that principle were deliberately and definitely violated by a decision of the Imperial Government no Indian subject of His Majesty could continue to repose any confidence in the guarantees and promises which are the condition of the allegiance which he is expected to give to the British Crown.

3. The fact that this principle of equality in Imperial citizenship has been openly violated by some of the self-governing Dominions, is already the cause of grave discontent in India, and a strong weapon in the hands of those whose object it is to decry and destroy the British connection. But, hitherto, the Imperial Government has at least, maintained an attitude of disapproval of the disabilities placed on British Indian subjects in the self-governing Dominions, and has been able to rest on the legitimate excuse that it has no constitutional authority definitely to interfere with the internal affairs of the self-governing Dominions. And that position has been recognised, if not approved, by most thinking Indians. But, if the Imperial Government itself, in a Crown Colony, were deliberately to impose restrictions and disabilities on Indian subjects of the King-Emperor and accord them an inferior status by placing another community in a position of political dominance and the enjoyment of racial privileges and preference, it would deal the death-blow to the hopes of Indians and their trust in the good faith of the Imperial Government and the British people.

The Pledges to the Indian People

4. The pledges given to the Indian people of equal treatment with all other British subjects date from the conquests of the British connection with India. They begin with the promise made to the inhabitants of the Island of Bombay by Charles II. They are elaborated in the most solemn language in the proclamation of Queen Victoria in 1858, which the Indian people regard as their charter. King Edward VII and King George V, in their messages to the Indian people on their accession to the Throne, gave their faithful promise to abide by these pledges. These royal proclamations are not, perhaps, familiar to Englishmen, but they are household words in India, and to treat them as scraps of paper, or in any way to endeavour to evade their consequences or equivocate with their terms would be regarded by Indians as a gross betrayal of their rights.

In 1875 Lord Salisbury, as Secretary of State for India, emphasised the obligation of the Imperial Government to accord the Indian subjects of His Majesty equality of treatment in the clearest terms, when he declared to the Colonial Office that Indian settlers must be "in all respects free men, with privileges and no whit inferior to those of any other race of His Majesty's subjects resident in the Colonies."

And for Kenya Indians equality of treatment was additionally guaranteed by the terms of the Charter granted to the British Imperial East Africa Company, which promised equal status to all.

5. Every demand that has been put forward by the European settlers, as has been stated above, involves a breach of these pledges and would place the Indian community of Kenya in a position of inferior status. To grant the whole would reduce them to the condition of helots; it permanent subjection to the oligarchy of white settlers, who have made no secret of their prejudice against and bitter hostility to Indians.

The Question of the Franchise.

7. There is, first, the question of the Franchise. If Indians are denied equal rights to the franchise, their position becomes at once one of political inferiority. Political equality can only exist with a common franchise, the test for which is applied equally and impartially to all communities. The suggestion of a communal franchise is quite repugnant to the principle of political equality. It has been tried in India in circumstances quite different from, and for reasons which do not apply to, conditions in Kenya. It is essentially undemocratic in principle and would inevitably tend to preserve and aggravate racial differences and antagonisms.

Similarly, any arrangement which ensured to the minority of Europeans a permanent majority on the Legislative Council would be a breach of the pledge of equality, by placing the European settlers in a privileged position of permanent domination over the Indian community.

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Similarly, any arrangement which ensured to the minority of Europeans a permanent majority on the Legislative Council would be a breach of the pledge of equality, by placing the European settlers in a privileged position of permanent domination over the Indian community.

Reservation of Highlands.

8. Secondly, the reservation of lands in the Highlands for Europeans, and the exclusion therefrom of Indians, and the refusal to allow the latter to acquire or hold such lands, would be as grave a breach of the pledge to accord equality of treatment and equal rights. There is no justification, from any point of view, for the claim of the Europeans that they alone should have the enjoyment of the most salubrious lands in the Colony. Their plea that they cannot live in the lowlands—where it founded on fact, which it is not—is no reason why Indians should be excluded from the highlands. If Europeans do not want to live in the lowlands, they need not. But they must take their chances in the Highlands with others. The claim to privileged and exclusive possession of the most delectable parts of the province is based on pure selfishness and greed. Such a claim has never been put forward before in any part of the Empire directly under the Crown, and to yield to it would be to set a precedent of preferential treatment for one class of His Majesty's subjects, which openly violates the first principles of equality of treatment which the Imperial Government is solemnly pledged to preserve. This exclusion of Indians from the Highlands places them in a position of inferiority even to non-British Europeans. Any foreign European, even an ex-enemy subject, would be at liberty to acquire land in the Highlands from which Indians are debarred. Could anything be a greater outrage upon the rights of British citizenship which Indians are supposed to enjoy?

Segregation

9. Thirdly, the proposal of the European settlers for the segregation of Indians is so much more greatly a violation of those principles that it would be inconceivable that the Imperial Government could even assent to it, were it not that Lord Milner two years ago actually proposed its acceptance. In India, where Europeans and Indians have lived side by side for nearly 200 years, such a proposal has never been heard of. Indians have nothing to learn in matters of personal cleanliness and hygiene and sanitary habits from the West. They may prefer in Kenya, and mostly do, to live apart from Europeans, but legally enforced segregation would be an insult which they would never tolerate. They claim the right to live where they will in the Colony and they look to the Imperial Government to preserve and protect that right.

Restrictions on Immigration.

10. Fourthly, there is the suggestion to impose restrictions on the immigration of Indians into the Colony. This, again, would be a definite and grave breach of the pledges of equal rights with other subjects of His Majesty, solemnly given to India by three successive Sovereigns. Indians enjoyed unrestricted immigration into East Africa before the white settlers came there. By what right or reason can restriction be imposed now? There is no right, and the only reason for the suggestion is the selfishness of the minority, who wish to enjoy the monopoly of place and power in the Colony to the exclusion of those who have played so great, if not the larger part, in the establishment of Kenya Colony, as the most fertile and promising of the later acquisitions to the British Empire.

Indians the Pioneers in East Africa.

11. Advocates of the claims put forward by the European community in Kenya, speak and write as though they were the old-established settlers, the early pioneers who have made the colony what it is, and one is left to suppose that the Indians are intruders pushing their way in ever-increasing numbers into a country where they have no historical right of existence.

The real facts are quite contrary to this. Indians went to East Africa long before any European ever appeared there—long before any European went to India. Their relations with the East African coast go back for many centuries. Indian trade with East Africa can certainly be traced back to the fifteenth century. It was the presence and influence of Indian merchants which made the establishment of British influence and the acquisition of territory by Great Britain possible. A host of authorities could be quoted to prove this assertion, from Sir John Kirk, the first British Consul-General in Zanzibar, who declared in his evidence before a Parliamentary Committee that, but for the Indians, the British Government could not have acquired and established its influence in those regions, to Mr. Winston Churchill, who in "My African Journey" says:

"How stands the claim of the British Indian? His rights as a human being, his rights as a British subject, are equally engaged. It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man could go or in which no white man could earn a living, has more than anyone else developed the early beginnings of trade and opened up the first slender means of communication.

"Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of good faith? Most of all, we ask, is such a policy possible to the Government which bears sway over three hundred millions of our Indian Empire?"

and Sir Henry Johnston, the great African explorer and administrator, who wrote more recently (Times, August, 1908):

"The participation of Indians of all classes with us in the conquest from the slave traders, the survey, the opening up, the discovery of Britain and apologetics of East Africa, from Abyssinia and Zanzibar down to Natal, has been too necessary to be overlooked by the European immigrants into the British possession so ridiculously misnamed "Kenya." The British white men have been the leaders in East African enterprise, and they have been loyally backed up, laboured for, fought for, by thousands of black men. But the intermediary role played by the Indian spy, non-commissioned officer, survivor, clerk, surgeon, botanical collector, trader and horticulturist, in all East Africa, from the Zambesi to Somaliland, has been too important and loyal to be overlooked in the callous way characteristic of the thousand recent white settlers in the hinterland of Mombasa. The injustice of their attitude, the excess of their influence, revolta me, who strove before they were born, to open up East Africa to knowledge by the help of Indian troops, Indian doctors, and Indian clerks.

Indians, indeed, did the pioneer work in the Colony. Indian labour built the Uganda Railway. Indian traders pressed into the interior regions and opened up trade with the natives. Again and again, it was India that supplied the troops and stores for the campaigns, which achieved the suppression of the slave trade, the conquest and pacification of territories and their subsequent protection. During the great war it was Indian troops that came first to protect the British possessions in East Africa. Fifty thousand Indians fought and five thousand Indians died to preserve the British territories as to conquer the German Colonies. Indian valour, Indian lives and Indian treasure were given freely to save and protect the homes and lands of the men and women who now demand that the Indians in Kenya should be deprived of their rights as British citizens, who have flung at them every kind of abuse and have declared war on their very existence as a community. **Indians not Seeking Domination.**

12. Nothing could be further from the truth than the suggestion that the Indians in Kenya are seeking to establish for themselves a position of dominance in the Colony; or that to yield to their demands would bring about that result in the near or distant future. They ask for no more than to be allowed to live on terms of equality with other members of the community, without favour or preference of any kind. Especially is it untrue and libellous to assert that they have any intention of, or desire to, take over the trusteeship for the native races.

The Indian representatives have from the beginning made clear to the Secretary of State for the Colonies that they recognise that the interests of the native races are the paramount concern of the Imperial Government in Kenya, and they do not want in any way to intervene between the Imperial Government and the native races or to interfere with, or have any part in, native administration. They have stated clearly and definitely that they think the control of native affairs should, in any event, be exclusively retained in the hands of the Crown.

The Indian Demand.

13. Their demand is that, if there is to be an electoral franchise for the legislative council and municipal bodies, it shall not be denied to them, but given to them on equal terms, whatever the test may be, with Europeans. Their objections to a communal franchise, which would give an unfair preference to Europeans, have already been stated. They do not consider, however, that it is desirable, in present conditions, that there should be an electoral legislature. The circumstances render the existence of a franchise for the present undesirable, and their suggestion to the Secretary of State from the beginning has been that Crown Colony Government should be continued for the present with an Advisory Legislative Council, containing an official majority and nominated non-official members, representing equally the Indian and European communities. This is the only equitable way out of the difficulties created by the demand of the white settlers, which would place the latter in a position of effective domination over other communities.

It is not only the Indians in Kenya who are concerned. This attack on their fellow countrymen abroad has buried into the hearts of the Indian people, who are watching the outcome with feelings of tense anxiety. Great will be the responsibility of those whose hands it rests to do justice to the Indian subjects of the King-Emperor if they fail to ensure the fulfilment of the solemn obligations of His Majesty to the Indian people.

The Imperial Government's Opportunity.

14. The Imperial Government is afforded an opportunity, from which it should not shrink, of once and for all making it clear that it stands for equality, fairness and justice in its dealings with the contending claims of different communities within the Empire, and honest fulfilment of pledges; and that it will not tolerate attempts on the part of any community in any part of the Empire to secure for itself a position of dominance or preference. The Indian community of Kenya and the people of India await the issue with anxiety, but complete confidence in the justice of their cause. They look to the Imperial Government to protect and preserve their rights to the fullest extent.

1. By the extension of the franchise, if there is to be a franchise, on equal terms to Indians.
2. By the refusal to impose any sort of disabilities on Indians, which would affect their right to acquire, hold or deal in land in any part of the Colony, on equal terms with Europeans.
3. By the recognition of the right of Indians to enter and leave the Colony without restrictions.
4. By the uncompromising condemnation of the proposal for segregation of Indians.
5. By the assertion of the right of Indians in accordance with the terms of the pledges given from the Throne, to be admitted to every branch of the public service and to enjoy the same prospects of pay and promotion, up to the highest offices, as Europeans.

The Alternative.

Indians could not accept any settlement which would impinge in any degree on these rights, to which they are clearly entitled, and which the Imperial Government is under the most solemn obligation to uphold. Should it fail to fulfil that obligation, the people of India, and the Indians in Kenya and other colonies, would be left to believe that the Imperial Government was indifferent to the promises made to them through the mouth of their Sovereign and contemptuous of the results of a betrayal of those promises. The effect would be inevitably to destroy their confidence in the good faith of Britain and to break the strongest link which binds India to the Empire. If India cannot depend, to the fullest extent, on the good faith of the Imperial Government in fulfilling the pledges given from the Throne, and protecting without compromise the rights of Indians as equal subjects of the King-Emperor, her interest in the Imperial connection ceases to exist. For, on such conditions, there is clearly no self-respecting future for India within the British Empire.

We have stated our case, Sir, plainly and frankly, as we have thought it right to do, with the sense of responsibility that rests upon us as the representatives of our community. We feel assured that it will receive from you the fullest consideration.

We are, Sir,

Your most obedient servants,

M. A. DESAI,

A. M. JEEVANJEE,

HOOSEINBHAI S. VIRJEE,

B. S. VARMA,

YUSUF ALI A. K. JEEVANJEE,

TAYAB ALI,

Kenya Indian Delegates.

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