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POSITION OF INDIANS

1920

AUGUST

Trs further extracts from newspaper

Previous Paper.

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~~Manufactures Dept~~
In Betwixt Scott Head

- (1) Nothing other than about Fiji.
- (2) Much smaller than the last lot of
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7 May 14

Indians are not excluded from
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to C.A. 18.9.20

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H. J. R.

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Reference to previous correspondence:

Letter from the India Office of the 8th June 1920
No. J. & P. 3148/20

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RE. 13 SEP 20

INDIA OFFICE,
11 August, 1920.

I am directed by the Secretary of State for India in Council for the information of the Secretary of State for the Colonies to forward to you the papers noted below, on the subject of Indians in East Africa.

I am, Sir,

Your most obedient Servant,

F. W. DUKE.

Secretary of State,
Colonial Office.

Description

"Searchlight", Bihar and Orissa

"Dainik Basumati", Calcutta.

"Leader" Allahabad.

"Partap", Lahore.

"Manorama", Calicut, Madras.

"Tribune" Bombay.

1. The *Searchlight* says:—"A self-governing India will not tolerate such treatment as the white East Africans propose for Indians. Suppose

Searchlight
July 1920

The Indian Agitation in East Africa.

it were the Japanese and not Indians who had done the pioneering work in East Africa and the whites turned against the Japanese. The answer would have come from a Japanese man-of-war; they dare not treat Japan as they treat India. And this at once explains the Indian feeling. They have no Government to look to except the one in India that proclaims martial law in the Punjab and the one in England that praises the authors of martial law.

The *Dainik Bismilati* (Calcutta) of the 2nd June writes — In spite of the help which is being rendered by the Government of India towards the restoration of the political rights of Indians in East Africa, Mr. Andrews has advised that we should all combine and start an agitation. Whatever Mr. Andrews is regarded with respect by Indians, but broken hearted as they have to be because of the Hunter Report, they have become hopeless of any good coming from any such agitation.

DAINIK BISMILATI
June 2nd 1920

The *Leader* (Allahabad) of the 11th June, 1920, characterizes as iniquitous the decision not to give the franchise to Indians in East Africa and Mauritius. There can be no excuse for giving Indians the franchise in some colonies and not in others. Their case for the vote in these colonies is so incontestable that it is a wonder why responsible statesmen act in such a way as to feed and increase the forces of discontent, and furnish justification for distrust and suspicion. As long ago as 1910 a commission admitted the justice of giving Indians of Mauritius a share in the government of the island but no action taken to carry out this recommendation. Still English officials, and politicians affect surprise that England's credit has gone down and distrust and suspicion have increased.

LEADER,
6th and 11th June
1920.

My dear
it is all

2. The *Portage* of the 13th publishes a letter from its correspondent in British East Africa, who states that all the nations which fought in the war on the side of the Allies have been given extensive and fertile tracts of land. It can be regretted, however, that nothing has as yet fallen to the share of the Indians. They are even denied full rights in territories occupied by their Government. It was Indians who established British rule in Uganda, East Africa, but effects are now being made to expel them from their lands. It is declared by Lord Balfour that India, being a member of the League of Nations, would receive her full rights in the conquered territories. After making that fact side the quite a different story, the writer suggests that the Indians should try to secure a firm East Africa and continue the agitation until it is crowned by a success.

PORTAGE
13th June
1920

3. The *Manorama*, of the 15th June, points out that the resolution passed by the Europeans of East Africa refusing to grant the Indians there, the power of voting in Legislative Councils, etc., prohibiting their acquisition of lands, and segregating them to particular localities in the towns, is likely to destroy the friendly relations between the two communities and to increase racial hatred, and expresses surprise that some Europeans should act in this manner, at a time when European leaders are delivering speeches on equality of rights and liberty, etc. It is of opinion that Indians have for a long time been smarting under similar disabilities in the colonies, and say:—"In spite of incessant efforts, the grievances of Indians in the colonies are not redressed. If those in power are prepared only to act in an unjust manner, and if no reasonable suggestion to the contrary is acceptable to them because of their selfishness, no better result could be expected.

2. The *Tribune* of the 9th July writes:—"Some idea of the way in which justice is dispensed by subordinate British Courts in Nairobi (East Africa) in cases where

A Nairobi case.

the accused happen to be Indians will be clear from the following. In March last a Kavirendo native confessed when charged before the D. C. of Eldama Ravine of having stolen two trek chains and a yoke from a local farmer. He averred that he sold the chains to a small struggling Indian shop-keeper. The police searched the trader's premises and found nothing while he emphatically denied the native thief's allegation, probably made to screen fellow natives and throw the police off the scent. Notwithstanding the fact that there was absolutely no evidence, the Indian trader was arrested and charged as a receiver of stolen property. To quote the *Chronicle*, "The D. C.'s attitude towards him was, in effect: 'Well, you are charged with being guilty; prove yourself innocent.'" Thereupon the D. C. fined the Indian trader Rs. 300 or in default three months' rigorous imprisonment. The poor man in his distress appealed to the Nairobi Indian Association which took up the case and financed an appeal to the High Court. As a result of the appeal the fine was ordered to be refunded, if paid. But the satisfactory termination of the case cannot make us overlook the legal aspect of the case, as it appears to have presented itself to the subordinate court. As will appear from the attitude of the D. C. in the above case, the burden of proving his innocence lay, in the Court's opinion, upon the accused. Now, according to all accepted canons of law the burden of proof rests on the party who alleges a certain fact. . . . But evidently, the Nairobi Court took a perverse view of the law in the above case, because the accused happened to be an Indian. . . . We have no hesitation in saying that if the facts are as stated in the *East African Chronicle*, the subordinate magistracy in British East Africa needs to be reminded of the necessity of administering even handed justice as between man and man irrespective of race, creed or colour."

