

1924
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KENYA

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DATE

INDIA OFFICE.

Confidential

29 January 1914

RELATION

211

Suggested Publication of certain Secret

(correspondence on the Indian Question)

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Previous Paper

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MINUTES

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that they could make out a
first part

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C.A. in the evening

copy 3000

copy above sent to ...

x 24

Subsequent ...

Any further communication on this subject should
addressed to—

The Under Secretary of State for India,
Industries & Department,
Overseas India Office,
London, S.W. 1.



INDIA OFFICE,

WHITEHALL,

LONDON, S.W. 1

29th January 1924.

Confidential.

Sir,

I am directed by the Secretary of State for India to enclose copy of a confidential letter from the Government of India dated 22nd November, 1923 and enclosed schedule, regarding the question of the publication in India of certain correspondence between the Secretary of State for India and the Government of India on the subject of Indians in Kenya. The correspondence which the Government of India wish to publish is detailed in the appendix to their letter. Copies of the papers detailed with the various objections proposed by the Government of India enclosed therein have been communicated directly to you by air-mail.

I also enclose copy of a telegram from the Viceroy dated 5th January and paraphrase of telegrams to the Viceroy dated 14th January and from the Viceroy dated 15th January.

It appears to the Secretary of State for India that it will be difficult to withhold from the Government of India permission to publish some of the correspondence in view of the terms of the Viceroy's telegram of the 5th January. He would, therefore, be glad of any observations which the Secretary of State for the Colonies may have to make regarding the papers, which the Government of India desire to publish, with a view to the question of further editing being considered, if necessary.

I have the honour to be, Sir,

Your obedient servant,

J. Walton

The Under Secretary of State,
Colonial Office,
S.W. 1.

Confidential.

No. 375

I. C. S.

4412

Government of India.

Department of Education, Health and Lands.

(Overseas)

Delhi, the 22nd November 1923.

From

M.S.D. Butler, Esq., C.B., C.I.E., C.V.O., C.B.E.,
I. C. S.,
Secretary to the Government of India,

To

His Majesty's Under Secretary of State for India,
Industries and Overseas Department,
India Office, London.

Subject:- Publication in India of the correspondence
between the Secretary of State for India
and the Government of India on the Kenya
question.

Sir,

In His Excellency the Viceroy's telegram No. 661, dated August 13th, 1923, it was stated that the Government of India might subsequently have to approach the Secretary of State on the subject of the publication of the correspondence regarding the Kenya settlement. In a speech in the Council of State on the 27th July 1923, the Hon'ble Sir B. N. Sarma made a statement to the effect that the Government of India would welcome publication, and indicated that they intended to examine the correspondence with a view to obtaining the necessary permission of His Majesty's Government. A demand for publication has already arisen, and is likely to grow in volume so soon as the legislature meets. The matter requires careful and timely consideration so that a hurried decision may be

avoided

avoided and the necessary editing carried out. The Government of India desire to publish as much as possible, should publication be decided upon, and suggest that the correspondence detailed in the accompanying schedule be approved provisionally for issue. Actual permission for publication will be sought, by telegram if necessary, when the time appears to the Government of India to be ripe for that step. The Government of India will be glad of an early reply to this letter as at any moment it may become necessary to apply for the Secretary of State's permission.

I have the honour to be,

Sir,

Your most obedient servant,

W. M. S. D. Butler,

Secretary to the Govt. of India.

SCHEME.

A reference will be made to Commerce Department resolution No. 9101, dated December 27th, 1920, and the following papers will be published in continuation:-

- (1) Secretary of State's telegram No. 909-P., dated February 11th, 1921, omitting last sentence.
- (2) Secretary of State's telegram No. 2493, dated May 14th, 1921. The portion published will be "Informal Conference question of Kenya franchise".
- (3) Viceroy's telegram No. 650-S., dated May 18th, 1921.
- (4) Viceroy's telegram No. 637-S., dated May 20th, 1921, omitting in paragraph 4 "As regards the two alternatives proposed by Lord Lytton", and paragraphs 5 and 7.
- (5) Government of India's telegram No. 818-S., dated May 27th, 1921, to the President, East Africa Indian National Congress, Nairobi, repeated to the Secretary of State in Viceroy's telegram No. 820-S., of May 27th, 1921.
- (6) Telegram dated June 9th, 1921, from the President, East Africa Indian National Congress, Nairobi, to the Government of India, repeated to Secretary of State in Viceroy's telegram No. 1002-S., dated June 11th, 1921.
- (7) From Colonial Office to India Office No. 33320/21, dated the 15th July 1921, with enclosure.
- (8) From India Office to Colonial Office No. I. and O. 607/21., dated the 21st July 1921, with enclosures.
- (9) From Colonial Office to India Office No. 36616/21, dated the 27th July 1921.
- (10) Report of Standing Joint Parliamentary Committee (already published in our resolution No. 40-R. &., dated August 24th, 1921).

- (11) Mr. Churchill's memorandum on Indian policy in Kenya received with India Office letter No. 1267-21 (confidential), dated September 15th, 1921, with accompaniments.
- (12) India Office letter No. 1267/21, dated September 5th, 1921, (omitting first sentence enclosing the observations of the Secretary of State for India on the above memorandum, omitting in paragraph (2) "and it is a franchise that will be reviewed and increased in a very short time and in (6) the words "the most careful cross-examination a breach".
- (13) Telegram dated the 9th September 1921 from the East Africa Indian National Congress to the Government of India, repeated to the Secretary of State in Viceroy's telegram No. 108-R.A., dated the 27th, 1921.
- (14) Colonial Office to India Office No. 44436/21, in date the 28th October 1921.
- (15) Agriculture telegram No. 146, dated the 10th October 1921, to the East Africa Indian National Congress.
- (16) Secretary of State's telegram No. 5288, dated October 23rd, 1921 (already published) as subsequently amended.
- (17) Secretary of State's telegrams No. 5461, dated October 25th, 1921, with the omission of "Reference my telegram of 6th instant, 5092", and No. 5613 dated November 2nd, 1921.
- (18) Viceroy's telegram No. 1065, dated November 3rd, 1921.
- (19) Revenue and Agriculture telegram No. 189, dated Nov. 8th, 1921, to Indian Association, Nairobi, despatch of which was intimated in Viceroy's telegram No. 188-R. A., dated the 8th November 1921.

- (20) Viceroy's telegram No. 59-R.A., dated February 1st, 1922.
- (21) Secretary of State's telegram No. 501, dated February 3rd, 1922.
- (22) Revenue and Agriculture letter No. 66, dated March 16th, 1922, with accompaniment, omitting the words "ending with 15th February 1922".
- (23) Viceroy's telegram No. 207-R.A., dated the 3rd May 1922.
- (24) Telegrams from Secretary of State No. P. & R. 8389 and 8400, dated the 31st August 1922.
- (25) Telegram to the Secretary of State No. P.725, dated the 11th September 1922, with the omission of the words "and the suggestion of the Governor in para: 4 of his confidential despatch dated 11th May 1921 No. 107, which was construed at the time by the Indian community to be an offer".
- (26) Viceroy's telegram No. 651-Eni., dated the 29th December 1922, with the omission of the opening and the concluding sentences.
- (27) Secretary of State's telegram No. 5019, dated the 29th December 1922.
- (28) Viceroy's telegram No. 159-Eni., dated the 20th February 1923.
- (29) Secretary of State's telegram No. 796, dated the 23rd February 1923.
- (30) Viceroy's telegram No. 207-Eni., dated the 6th March 1923.
- (31) Revenue and Agriculture letter to India Office No. 67, dated the 8th March 1923, with enclosure.
- (32) Revenue and Agriculture letter to India Office No. 68, dated the 8th March 1923, with enclosure.
- (33) Revenue and Agriculture letter to India Office No. 74-Eni., dated the 8th March 1923, with enclosure.

- (34) Telegram to Secretary of State No. 250-Emi., dated the 13th March 1923, omitting in paragraph 1 the words "paragraph 5 of Milner's secret despatch of May 21st 1920 and in paragraph 2 fifth the words 'and the lesson will be utilised for their own purposes by the extremist parties here'.
- (35) Viceroy's telegram No. 260-Emi., dated the 14th March 1923, omitting paragraphs 2 and 3.
- (36) Secretary of State's telegram No. 1119, dated the 20th March 1923, omitting paragraph 2.
- (37) Revenue and Agriculture letter to India Office No. 83-Emi., dated the 22nd March 1923, with enclosure.
- (38) Telegram (clear the line) from Secretary of State No. P.2588, dated the 12th July 1923, with the omission of the words beginning with "in considering these proposals" to "compare paragraph 118 of report of your deputation to Fiji" in the last paragraph.
- (39) Telegram (clear the line) to the Secretary of State P. No. 583, dated the 16th July 1923, omitting in section 4 the words "we reluctantly accepted common electoral roll", and in section 8 the words "We would refer you in this connection I. S. O. 1257, dated the 15th September 1921, and also the last sentence of the telegram 'if it was thought on Indian opinion'.
- (40) Telegram (clear the line) from the Secretary of State, No. R.2751, dated the 24th July 1923, omitting the words "and 31st" in the first line.

(84) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

the words "the words" of the telegram

of the 13th March 1933 and in paragraph 2 of the

the words "and the words" in the telegram

of the 13th March 1933, containing the following

(85) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

(86) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

(87) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

(88) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

the words "the words" in the telegram

of the 13th March 1933, containing the following

the words "the words" in the telegram

of the 13th March 1933, containing the following

(89) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

the words "the words" in the telegram

of the 13th March 1933, containing the following

(90) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

the words "the words" in the telegram

of the 13th March 1933, containing the following

(91) Telegram to Secretary of State No. 280-281

dated the 13th March 1933, containing the following

the words "the words" in the telegram

of the 13th March 1933, containing the following

Paraphrase Telegram from Secretary of State to
 Viceroy, (Department of Education and
 Lands) dated 14th January 1924.

L. 137. Kenya correspondence. Reference your telegram of the
 14th instant. As you will understand, ~~it is~~ it is necessary for me
 to consult Colonial Office before authorising publication. The
 following objections have been advanced by Colonial Office to
 publication of the document concerned. First, the risk of
 revealing the possibilities of acquisition of the land by the
 Government and the fact that the Government are not yet
 in a position to acquire the land. Secondly, the fact that
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 position to acquire the land.

From point of view of the Government, the above substance
 of these objections, and I should be glad to know your degree of
 importance, as compared with this view, you regard as attaching
 to the publication of whole or part of the correspondence in ques-
 tion.

I understood that the reference in your telegram
 dated 14th August, 1923, was to the correspondence which took place
 in July.

Paraphrase telegram from Viceroy, (Department of
Education, Health and Lands), to
Secretary of State for India, dated 24th January 1924.

 In your correspondence, reference your telegram No. 137
 dated 14th January. We appreciate force of the objections made
 by the Colonial Office, but, having regard to the fact that
 the substance of the earlier portion of the correspondence was
 published in a white paper, in our opinion, a brief text would
 produce a more correct a relation of the position and would,
 in any case, be less liable to misinterpretation than the rumours
 current in this country regarding personal interviews. From
 the point of view, we think, of the disadvantages of publishing
 relations by telegraphic office, are outweighed by the advantages
 and as there has been no recent statement of the agitation in
 this country, we do not consider danger of its being revived
 is material consideration. We now make formal application for
 leave to publish correspondence referred to in letter from
 you, dated 22nd November 1923.

Paraphrase telegram from Viceroy, (Department of
Education, Health and Lands), to
Secretary of State for India, dated 14th January 1924.

P. Kenya correspondence. Reference your telegram No. 137 dated 14th January. We appreciate the force of the objections made by the Colonial Office, but having regard to the fact that the substance of the earlier portion of the correspondence was published in a white paper, in our opinion, a full text would conduce to a correct appreciation of the positions and would, in any case, be less liable to misconstruction than the rumours current in this country regarding personal interviews. From our point of view, we think the disadvantages of publishing mentioned by Colonel ... are outweighed by the advantages and as there has been no recent statement of the agitation in this country, we do not consider danger of its being revived is material consideration. We now make formal application for leave to publish correspondence referred to in letter from Butler, dated 22nd November 1923.



[Handwritten signatures and initials]

Downing Street,

8 FEB 1924

1924.

DRAFT.

For Mr. G. G. [unclear]

Signature - (Mr. G. G. [unclear])

Sir (I.O. [unclear] P.S. [unclear])

I am directed by Mr. Secretary

MINUTE.

FEB 1924

Thomas to acknowledge the receipt of
your letter of 12/2/24 (1.20.37/24)

regarding the proposal of the Government
of India to publish certain correspondence
relating to the position of Indians in
Kenya.

2 Mr. Thomas has given careful
consideration to the matter, and he feels

compelled to deprecate the proposal on
the general ground that publication
would not serve the purpose of
explaining the steps by which the late
Government arrived at the decisions
announced in the Command Paper 1922 of

U.S.P.S. India Office

- Mr.
- Mr.
- Mr.
- Sir C. Davis.
- Sir G. Grindle.
- Sir H. Read.
- Mr J. Masterton Smith.
- Mr. Ormsby-Gore.
- Mr. Thomas.
- Mr. [unclear]

Signature with date 7/2/24

Handwritten notes and dates: 7/2/24, 7.2.24

Copy to P.S. [unclear] 20. - [unclear]

not only on the specific ground that the question of immigration is still outstanding, and has become a subject of acute controversy but also

July, 1923.

3. The papers selected would, in fact, give a false impression of those ^{steps} discussions. They indicate that on three separate occasions the Secretary of State for the Colonies had contemplated a settlement on terms which (inter alia) included the "common roll" franchise and that, suddenly, a settlement was decided upon on a different basis involving a smaller degree of concession to Indian sentiment. Their publication would tend to confirm the impression already existing ^{in some quarters} that the settlement was a surrender to threats of violence on the part of Europeans in Kenya, and that the standpoint of native interests was adopted as an expedient to justify that surrender.

4. It will be within the knowledge of Sir Sydney Olivier that the discussions between the two Secretaries of State and between the two Departments up to the

beginning

beginning of 1923 were influenced entirely by political considerations in India itself, and that the difficulties of the Viceroy overshadowed the interests of any of the communities in Kenya. Because of those difficulties, schemes for settlement were put to or pressed upon the Governor of Kenya, but only for local consideration and not in any way as a definitive adjustment of the various interests involved.

DRAFT.

MINUTE.

Mr.

Mr.

Mr.

Sir G. Davis

Sir G. Grindle

Sir H. Road

Sir J. Masterton Smith

Mr. Ormsby-Gore

Viscount Devonshire

5. At the beginning of 1923 it became known that -

(a) the Wood-Winterton terms were not regarded by either official or unofficial persons in Kenya as affording a basis of settlement;

(b) figures as to immigration were available which tended to establish the probability of a large influx of Indians into the country.

~~(c) there was a grave danger of a~~

reference:

6. ^{These two} ~~The two first~~ factors themselves necessitated a complete reconsideration of

policy, and ~~the main effect of the third~~
^{it became increasingly plain}
~~was whether to demonstrate~~

Kenya questions could do so.

^{Terms} in ~~times~~ of difficulties ^{also} ~~of~~ India. The

^{it became clear} ~~the main reason~~ for the first
^{the Indian Government} ~~time~~ he ^{and not regard it as a} ~~was~~ ^{decision} ~~was~~
^{decisions} ~~was~~ ^{on its merits} and the

interests of the ^{African people} ~~native~~ ^{became the} ~~balance~~ ^{dominant} ~~factor~~ in the discussions.

It is ^{his} ~~his~~ ^{fears} ~~that~~ he could not
^{bring out} ~~bring out~~ his ^{views} ~~views~~ ^{to his} ~~to his~~ ^{professors} ~~professors~~ ^{or} ~~or~~ ^{to} ~~to ^{bring out} ~~bring out~~~~

their ^{views} ~~views~~ ^{upon} ~~upon~~ the ^{oral} ~~oral~~ ^{nature} ~~nature~~ of
the ^{discussions} ~~discussions~~. Their ^{course} ~~course~~ cannot be

illustrated by any ^{supplementing} ~~supplementing~~ of the
selection from the ^{correspondence} ~~correspondence~~ made

by the ^{Government} ~~Government~~ of ^{India} ~~India~~, he must ask
that no ^{correspondence} ~~correspondence~~ prior to the ^{issue} ~~issue~~

of the ^{White Paper} ~~White Paper~~, which should be regarded
as a ^{definite} ~~definite~~ ^{starting point} ~~starting point~~ for the ^{future} ~~future~~.

shall be ^{permitted} ~~permitted~~ to be ^{published} ~~published~~.

J. E. MacLellan Smith

~~(*) there was a great danger of...~~

2/10/57

These two

6. ~~The two first~~ factors themselves

necessitated a complete reconsideration of policy, and the ~~main effect of the third~~
it became a communist plan
~~was whether to demonstrate~~

Kenya questions could not be settled in times of difficulties ~~and~~ The ~~time~~ *it became clear* for the first time ~~be considered~~ on its merits and the interests of the ~~national~~ *African people* became the dominant factor in the ~~discussions~~.

... fears that he could not...
... his professors...
... each... bring out
... on the oral nature of
the discussions. Their course cannot be
illustrated by any supplementing of the
selection from the correspondence made
by the Government of India, he must ask
that no correspondence prior to the issue
of the White Paper, which should be regarded
as a definite starting point for the future,
shall be permitted to be published.

J.E. MacLester Smith

4821/24
1
DOWNING STREET,

February, 1924.

Sir,

I am directed by Mr. Secretary Thomas to acknowledge the receipt of your letter of the 29th January (I. and O. 371/24) regarding the proposal of the Government of India to publish certain correspondence relating to the position of Indians in Kenya.

2. Mr. Thomas has given careful consideration to the matter, and he feels compelled to deprecate the proposal not only on the specific ground that the question of Immigration is still outstanding and has become a subject of acute controversy but also on the general ground that publication would not serve the purpose of explaining the steps by which the late Government arrived at the decisions announced in the Command Paper 1922 of July, 1923.

3. The papers selected would, in fact, give a false impression of those steps. They indicate that on three

separate

UNION SECRETARY OF STATE,
INDIA OFFICE.

separate occasions the Secretary of State for the Colonies had contemplated a settlement on terms which (inter alia) included the "common roll" franchise, and that, suddenly, a settlement was decided upon on a different basis involving a smaller degree of concession to Indian sentiment. Their publication would tend to confirm the impression already existing in some quarters that the settlement was a surrender to threats of violence on the part of Europeans in Kenya, and that the standpoint of native interests was adopted as an expedient to justify that surrender.

4. It will be within the knowledge of Sir Sydney Olivier that the discussions between the two Secretaries of State and between the two Departments up to the beginning of 1923 were influenced entirely by political considerations in India itself, and that the difficulties the Viceroy overshadowed the interests of any of the communities in Kenya. Because of those difficulties, proposals for settlement were put to or pressed upon the Governor of Kenya, but only for local consideration and not in any way as a definitive adjustment of the various interests involved.

rate occasions the Secretary of State for the Colonies had contemplated a settlement on terms which (inter alia) included the "common roll" franchise, and that, suddenly, a settlement was decided upon on a different basis involving a smaller degree of concession to Indian sentiment. Their publication would tend to confirm the impression already existing in some quarters that the settlement was a surrender to threats of violence on the part of Europeans in Kenya, and that the standpoint of native interests was adopted as a pretext to justify that surrender.

4. It will be within the knowledge of Sir Sydney Buxton that the discussions between the two Secretaries of State and between the two Departments up to the beginning of 1933 were influenced entirely by political considerations in India itself, and that the difficulties of the Viceroy overshadowed the interests of any of the Colonies in Kenya. Because of those difficulties, proposals for settlement were put to or pressed upon the Government of Kenya, but only for local consideration and in any way as a definitive adjustment of the various interests involved.

5. At the beginning of 1925 it became known that -

(a) the Wood-Mitchison terms were not regarded by either official or unofficial persons in Kenya as affording a basis of settlement; and

(b) figures as to immigration were available which tended to establish the probability of a large influx of Indians into the country.

6. These two factors themselves necessitated a complete re-consideration of policy, and it became increasingly plain that any measure could no longer be settled in terms of difficulties in India alone. That our so-called "policy" was necessary for the first time for the purpose of being examined in the light of its effects ^{in Africa} regard to purely political considerations and the interests of the African native as once became a chief factor in the discussions.

Mr. Tansie fears that he could not, with any fairness to his predecessors in Office, agree to any publication which did not bring out these points and as, from the oral nature of the discussions, their course cannot be illustrated by any supplementing of the selection from the correspondence made by the Government

India, he must ask that no correspondence prior to
the issue of the White Paper, which should be regarded
as a definite starting point for the future, shall be
permitted to be published.

I am,

Sir,

Your most obedient servant,