

1923

KENYA

271
C 5
25571
REF
REGD 22 MAY 23

A INDIAN DELEGATION

DATE
22nd MAY 1923.

SUBJECT

POSITION OF INDIANS.

Encloses Statement of Indian claims, for favourable consideration.

ADDITION

30th Jan 23

*See & reply
31/5/23*

Previous Paper

1

MINUTES

Add

*See minutes, will then
be done and all?
The letter but I think
we should wait
a little longer reply.*

*Recd
31.5.23*

31.5.23

u.c. 25944

Subsequent Paper

*6.12.23
25944*

- (1) This will no doubt be discussed with Sir J. Macleod Smith.
- (2) I would, for purposes of comparison, refer Indian statements to show that the Indians claim elsewhere.
- (3) The summary to this statement goes, I think we may say, "the whole bag" - viz we do not have a demand for the same rights of franchise for Indians as for Europeans or a common electoral roll (apparently without limitation of Indian franchise & therefore pro factu the demand contemplates the swamping of the Europeans by the Indians).

European
- adult

The marked passage of p. 11 should be noted, as the nearest approach in this document to the desideratum wh., we understand, Sir J. Macleod Smith urged on Mr. Jesai privately, viz. a clear & prominent pronouncement that the Indians do not seek to associate themselves with the Europeans.

- (4) For comparative purposes please see -
(a) Appendix III (p. 12) to
Carrier memo. C.P. 99 (23) -

Showed the statement to Sir H. Curzon

the morning

(a) It appeared that the best course
would be to send a copy to Lord
Belmore for him to answer the
points. After I had seen the
demands, seen to me so as to appear
that I do not think that the S. H.
should give them the satisfaction
implied in the assumption that they
require an answer.

I certainly can
do it at once
to Lord

(b). It is not that it was now necessary
to get Mr. Sartin's views. I showed
we would send a copy to the
Sardinian and copy of his to be
understood as not being the demands
on page 13.

Subject to that, I would ask. May that
the demands do not constitute a
basis for discussion, & have they
were to be made the King's business.

See also separate memo
by Mr. B. 25 5. 23
I think it
is ought to answer as soon as possible
whether Mr. Sartin means these demands.

H. J. S.
25/5/23

Mr. Sartin's
instructions
to Mr. B. 25/5/23

Mr. Curzon

Have written Mr. S. H. also
written to Mr. a copy of the King's
Liaison Delegation's statement
of 21 Aug 1913. Paul Curzon
- will a copy will be sent
him to show to Mr. Sartin & to
ascertain the extent to which
these demands have been (Mr. Sartin's)
submitted.

H. J. S.
30.5.

Spd has sent a copy to Mr. Curzon above

Cur
30/5

W Campbell

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Mr. R. Reynolds spoke to Mr. B. Sturtevant
this morning about this letter.
He says that the B. Dean
Delegates' statement was all
sent at once to Lord Peel
for his views - see this letter:
leaving it to Lord Peel to
decide whether he will get
Mr. Foster's views also.

If, as I understand, the
statement has now been
published in the press,
there is, of course, no secrecy
about it, although it is not
clear why the B. Dean
Delegation published it
without reference to the B. D.

Alfred
So. S. 13

W. Campbell
Kearney
Kearney's Office.

21. 10. 13.

L.V. ... 29
J.H. ... 29
29.5. 270

THE MANOR HOUSE

CLANFIELD,

HORNDEN, HANTS.

28th May 1923

Dear Sir James -

As the statement of the

Indian case dealing with
equality of status in Kenya
may be expected from Mr. Desai's
delegation shortly I write to
suggest that it should be
accompanied by, some
indication as to how far the
Secretary of State for India and

KENYA INDIAN DELEGATION

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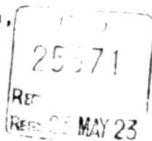
via INDIANS' OVERSEAS ASSOCIATION.

42, DANES INN HOUSE,

265, STRAND, LONDON, W.C. 2

22nd May 1923

The Rt. Hon.
The Secretary of State for the Colonies,
Colonial Office,
Downing Street.



Sir,

I have the honour to enclose a Statement of
Indian claims in Kenya for your perusal and favourable
consideration.

I have the honour to be, Sir,
Your most obedient servant,

B.S. Varma

Secretary
Kenya Indian Delegation.

MEMORANDUM ON THE KENYA SITUATION
 BY THE KENYA INDIAN DELEGATION.

Long before the British connexion with East Africa, the merchants of India had a peculiar interest in the trade of that country; free access to it has been an Indian right, which has never been disputed, from immemorial times. This commercial intercourse undoubtedly brought mutual benefit to India and Africa. Major Pearse, in his book on Zanzibar and East Africa, traces the close relation of the West Coast of India to the East Coast of Africa to the fifteenth century. Vasco da Gama found large merchant vessels from India harboured at Mombassa.

Coming to a more recent date, we have abundant evidence to prove, that it was owing to the presence of Her Majesty's British-Indian subjects in East Africa, that the country was first made into a Protectorate under the British Crown. Thus it can be historically proved, that it was to a very large extent the presence of the British Indians along the coast, which led to East Africa first becoming a sphere of influence within the British Empire. Sir John Kirk, the first Consul-General of the East Coast of Africa, stated categorically that, but for the Indians, the British would not have been in East Africa at all.

In the development of the interior, the Indians have also played a very important part. There is abundant evidence to prove, that in every fresh advance they were able to do the pioneer work of opening up the country to trade. Without this rapid economic development further penetration would have been impossible. It needs also to be mentioned, that while the capital provided for the Uganda Railway was British, the labour employed came from India. Very great risks had to be run and a large number of Indian workmen lost their lives owing to the severe

ravages of wild beasts. It is doubtful if the railway could have been built so speedily with any other form of labour; and the rapidity with which it was built undoubtedly led to the early pacification of the interior of Kenya and also of the provinces of Uganda and Sudan.

Perhaps, at this early stage, the most useful part played by India, in this work of pacification, was the provision, at the earliest possible moment, whenever danger threatened, of military forces. Again and again, when native risings occurred, and also when rebellion had actually broken out in that part of Uganda which now forms part of Kenya, troops were hurried across from India; and ammunition and stores were provided, without which no campaign in modern times is possible.

We may mention here that in 1896 an Arab chief called in Baruku invaded Imindi and other places on the Mombasa coast and in the course of his raids looted Indian merchants who were not even compensated for the losses.

In the European War, which has recently been concluded, this importance of the nearness of India to East Africa, from the military standpoint, has once more been abundantly evident. Throughout the whole of the very long and arduous campaign, which was necessary before the enemy forces finally surrendered, India had to be called upon to supply the main military requirements. We have no wish to underestimate the valuable aid rendered by South Africa and Rhodesia, but it has to be remembered that South Africa at the beginning of the war was faced with internal rebellion, and therefore at the most critical juncture of all was unable to provide either men or ammunition. Great Britain also was engaged to the full in the heroic struggle on the Western Front, and no ammunition or equipment could be spared for the East.

African and other Eastern campaigns, in Mesopotamia and Palestine and Gallipoli, the loyalty of His Majesty's Indian Musalman troops, who formed nearly one half of the fighting forces and are mostly Sunnis by religion, was put to a very severe strain, because they had continually to fight against their own fellow-Musalman and their own Khalifa. 47,704 Indian soldiers participated in the East African theatre of war alone and 5,018 actually lost their lives. It was regarded as certain, by every one who fought, that India would receive generous consideration at the hands of Great Britain at the end of the War.

It is necessary, at this point, to remove two very serious misapprehensions. First of all, it has been stated, that, in the East African campaign, the local Kenya Indians played the coward and the traitor and rendered no material assistance. The true facts are briefly these. In the beginning of the war, a considerable body of local Indians volunteered and two companies were formed and were set to guard the railway. But when trained Indian troops came out from India these were disbanded. There was, at this time, an unworthy fear, on the part of the Europeans, which led to a panic. During this panic, no Indian was safe from suspicion. Certain Indians, whom we believe to have been innocent, were shot under martial law and without a fair trial. Others, whose innocence has since been proved, were condemned to death. It was the intervention of Sir Robert Hamilton, Ex-Chief Justice of Kenya and Colonel Hotley (a late Acting Governor of Kenya) and other Europeans, which eventually saved their lives. What we are obliged to state is this, that there was very little generous trust on the part of the European

military commanders, as a whole, such as would have called out trust in return. In spite of this, the local Indians did everything they could to show their loyalty in defence of their adopted country, and the secretarial and railway and business work of the Protectorate was carried on efficiently, owing in a great measure to the faithful and arduous work of Indians who were in subordinate positions. When finally these Indians along with others were conscripted for military service, they continued to do their duty faithfully and well. Indians, in addition to the above, have made handsome contributions to Red Cross and other War funds.

Secondly, it has been stated that the people of India were seeking an opportunity to found Indian Colonies or dominions in East Africa, and that such claims had been already made on account of war services. To think thus is to misunderstand the mentality of India, which has never favoured or countenanced external imperial possessions. During the war, Sir Theodore Morison himself proposed the idea that India should claim the government of the enemy territory, now called Tanganyika, but his view was not accepted in India. All the leading Indian statesmen declared strongly against it. It is true, that individuals among the Kenya Indian community have spoken in favour of this idea, and that a resolution was once carried in the East African Indian Congress; but it was immediately rescinded, when the news was brought from India that Indian statesmen themselves were opposed to it. To turn back once more to the early days of the British East Africa Protectorate, it is undisputed that for many years the whole policy of the British Government was directed towards connecting it

in every possible way with India. British administrators from the Indian Civil Service were sent over direct from India to East Africa, in order to build up the administration of the country on the Indian model. The Indian Penal Code was introduced at a very early date. The Indian rupee coinage was adopted. It was clearly understood that the closeness of the East African coast to Bombay made its natural connexion with India inevitable. The past history of the two countries pointed in the same direction. Far-seeing British statesmen saw clearly that the closing of all the self-governing dominions to India would leave behind it a grievance and a sense of injustice. In order, to some extent, to compensate for this, it was declared that the new British territory in East Africa would be regarded as a legitimate field for emigration from India. Independent European testimony has been recorded that one of the strongest arguments advanced for the recommendation of the building of the Uganda railway was to provide an outlet for settlement from congested districts of India. With this object in view, certain efforts were made to direct the stream of Indian emigration towards these shores.

With the discovery and settled occupation of the Uplands, a change in the angle of British vision commenced. An exaggerated picture was drawn of the wonderfully bracing climate of this part of the country, and attempts were made on a large scale to get Europeans to settle there. After the Boer War, a considerable number of Boers and British from South Africa came up to the Kenya Highlands, and during this first boom of them as a "white man's country", a sinister change (from the Indian point of view) began to take place in British policy. While no legal restriction on the

purchase or sale of land was at this time imposed by any law, the acts of administration again and again were strained in that direction. In 1907 the Land Board of the British East Africa Protectorate recommended, that government land in certain specified areas should not be allotted to Indians and that Indian immigration should be discouraged. But Mr. Montgomery, the Commissioner of lands, reminded Lord Elgin, the Secretary of State for the Colonies, that the claims of the Indian community could not thus be lightly disregarded, seeing that (i) they were in the country long before the Europeans had settled there, (ii) the Uganda Railway would never have been built but for Indian labour (iii) most of the trading wealth of the country was in the hands of Indians, (iv) Indians were British subjects. In his Despatch to the Governor, dated March 19th, 1908, Lord Elgin said:-

" With regard to the granting of land to Indians, it is not consonant 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 Upland areas".

It will be seen, from the above quotation, that the legal rights of Indians to purchase land anywhere in the Protectorate were not, up to this point, finally invalidated. At the same time, direct grants of Crown lands, within the Upland area, were allocated to Europeans. Nothing was said in this Despatch concerning the transfer or purchase of these crown lands after the first alienation to Europeans had been concluded.

This action of Lord Elgin's, on his own initiative, at the clamour of European Settlers, in giving preferential dealing to Europeans by an administrative act, has led to further consequences. More and more, the definite attempt

has been made to enlarge the boundaries of this circle of European preference at the expense of the Indian community which had been from the first so closely connected with the country. The most serious step in this direction was taken during a critical part of the East African campaign, in the year 1915. A local statute was then passed which gave the Governor the right of veto on all sales of land in the British East African Protectorate between persons of different races. This was admittedly aimed at preventing any Indian purchase of agricultural land in the Uplands from Europeans who had received grants from the Crown. Immediately on hearing the news of this, the Government of India protested on behalf of the Indian people, whose legal rights were now, for the first time, clearly and unmistakably invaded. But the exigencies of the European struggle made any fair hearing of the Indian protest well nigh impossible.

A further invasion of Indian rights, which has proved to be one of the root causes of the present trouble, was the enactment of legislation in 1919, whereby the Europeans received the franchise on an adult basis, while even the most limited Indian franchise was refused.

A further method, by which the rights of Indians have been prejudiced, by means of administrative action, has been the refusal to promote Indians, who have earned their promotion by merit, either in government or railway service. We claim that among those who have already been admitted, in the colony itself, to government or railway service, or who may be admitted in the future, the colour bar should be entirely removed, and merit alone should decide the question of promotion.

In the past few months an attack upon Indian rights, which is more dangerous than any which we have hitherto mentioned, has been made, both in the Legislative

council and outside it. Indians, as we have shown, have had the right to emigrate freely to East Africa from the earliest times. Yet they have now been threatened with a complete prohibition of that right on grounds which will not bear serious investigation. Resolutions have been passed, in successive meetings of the European Convention of Associations, demanding the ultimate prohibition of all Indian immigration and a draft Ordinance has recently been framed, which contains the "Australian test", that each immigrant from India shall be obliged to pass an examination in any European language which the Immigration Officer may himself select. It is notorious that this test was originally devised in order to keep out everyone from Australia who was an Asiatic; and this fact is sufficient by itself to explain the meaning of the proposed legislation.

One further attempt, on a large scale, has been made to bring in racial legislation. Under the cover of a Public Health Act, racial segregation, in spite of opposition on the part of the Principal Medical Officer of Health, would already have been enforced by law, if the Colonial Office had not intervened. The Indian community has never objected to sanitary measures being taken and sanitary laws, affecting all races alike, being passed. But they have maintained that the natural inclination to live apart should be allowed to take its own course, and that the stigma of racial segregation ought not to be imposed by law.

In addition to all that we have mentioned, it remains to be pointed out how persistently, even in the smallest details, the European non-officials, who have been elected to the Legislative Council, have used their power in order to change the character of the Administra-

tion and to make it follow the exclusively European rather than the Indian model and to serve predominantly European interests. At a critical moment, shortly after the war, they were able to press to the utmost and carry through a change in the currency by which the Indian rupee was abandoned and florins and shillings were substituted. As a result of this change of currency the colony has been practically ruined - a fact recognised by all independent thinkers. A determined effort has been also made gradually to abolish all the marks which are still left, whether in legal code, or in government machinery, of the earlier "Indian Civil Service" administration. At every turn, proposals are being made, that legislative measures should be taken to supplant Indians in the public services by recruiting Europeans, - often with little or no regard to the added expense involved. Thus, it has become evident, that the final expulsion of Indians from East Africa is the end which is always held in view. This object is quite openly confessed, and the example of South Africa is being closely watched and followed. It may be, that a few vested Indian rights will be allowed to remain secure for a time. Such has been clearly stated by the Europeans, but when once the exodus of Indians to India has begun, it is clear that everything possible will be done to accelerate it. Indians are in no wise regarded as members of the same Commonwealth, but are openly called "aliens" and "enemies". Privileges of residence in European quarters, and of purchase of land in the Highlands, are freely granted to foreigners, who are non-British, while Indians who are British subjects are excluded.

It is contended by the present Kenya Indians and by our fellow countrymen in India itself that all

this is in flagrant and direct violation of pledges of equality and justice, which have been given to Indians from a very early date up to the present time. When the resolution concerning equal status was finally passed at the Imperial Conference of July, 1921, it was supposed that at last these pledges were going to be fulfilled. But the conduct of the Europeans since then has shewn unmistakably to us that they are determined by violent and open rebellion to prevent the wishes of the Ministers of the Crown, representing His Majesty the King Emperor, from being carried out. Not once, but twice, they have threatened such rebellion. We would venture to point out to the Colonial Office the fact, that, in the last twenty seven months, nearly 5,000 more Indians have gone out of the port of Mombasa on the B.I.S.N. Co's steamers (the only line running from Bombay to Mombasa) than those who have come in. We have no doubt whatever, that this exodus is largely due to this increasingly harrassing treatment by Europeans, combined with the depression in trade which this perpetual conflict involves.

We feel that it is necessary to call the attention of the Colonial Office to the fact, that the medical evidence is accumulating which goes to prove that the Uplands of Kenya are not (what they are represented to be) a "white man's country". Owing to their great altitude and to the direct rays of the equatorial sun, there are few people from the cold northern climate of Great Britain who are able to bear continuously the life in the Kenya Uplands, without a change. A proof of this is seen in the compulsory furlough, at the end of every 30 months, which is incumbent on every official in the higher service. Even though the Government of Kenya has been almost bankrupt, the executives have never suggested that the interval between two furloughs should

be lengthened in order to save expense. From a variety of causes, it has already been found in the majority of cases impracticable to bring up young children in the Kenya Highlands without sending them home to England for their education and for their full physical development. Even though a few instances of children who appear to be healthy and vigorous may be shown, these appear to be only exceptions which prove the rule. A significant feature of the last census was the comparative decline in the South African immigrant population. It would appear that the climate had told upon them also.

We venture to assert from our own experience, that the ex-soldier settlement scheme, so profusely advertised and boomed, has resulted in comparative failure. This has been owing in a great measure, we believe, to the influence of climate upon the health of the new settlers, which has led in its turn to financial embarrassment. We believe, it is true, that a very great deal of the nervous irritation and excitement, which has been displayed by European and Indian alike in the present political conflict, is due to climate. At the same time we consider we are right in holding, that the climate is not so trying to the Indian - who has been used to the tropical sun for generations - as it is to the British people, who have been accustomed for centuries to a cold northern atmosphere, in which the sun is often obscured for days and weeks together. We have some confidence that nature herself in the long run will solve the whole problem according to her own inevitable and immutable laws.

We regard it as hardly necessary to contradict at length the calumnies which have been brought against us with regard to the influence of our Community upon the

natives. We are able to bring forward irrefutable testimony which shows that the presence of Indians in the country has been beneficial on the whole. At the same time, we do not wish to conceal the fact, that Indians have come over to Kenya in order to better their prospects in the same way as the Europeans have done. What is happening today is clear. The Indian settler is very rapidly teaching the African native to perform those works which form the elements of civilisation. As soon as the native has learnt the lesson, he is able to do the work at a much cheaper rate than the Indian. The latter has to undertake other work or else retire. As the country is very large and the number of Indians and Europeans is very small, it appears to be almost certain that the Indian is not standing in the African's way, but is rather helping both the African and the European alike to develop the country.

We think it the safest and best policy, in the present circumstances, that neither the Indian nor the European settler should have the control of native affairs and that the legislative power should be kept in the hands of the Imperial Government till a time in the future when the African native is sufficiently advanced in intelligence and education to manage his own affairs and rule over his own country. This is our present judgment and we are prepared to abide by it. But if it be found impossible to withdraw from the European settler any of the power that has been given him, even though he has already greatly abused it by passing anti-native and anti-Indian legislation and by threatening open violence, then we would submit that the only right way forward is in accordance with the

principle laid down by Cecil Rhodes, namely, "the franchise for every civilised man". This would include the Arab and Somali and the native (when he has reached a certain stage) on the same voting register with the European and the Indian.

We hold that this system of a common electoral roll is far superior to any election on communal and racial lines. The communal system appears to us to be contrary to the true genius of the British Commonwealth of Nations, and to be rather a perpetuation of racialism than an elimination of it. We object to segregation in any form, whether in residential areas, or in Uplands, or in electoral rolls.

In conclusion we respectfully pray:-

- (1) That the same rights of franchise be granted to Indians as are now enjoyed by the Europeans.
 - (2) That the Governor's Power to veto transfers of land from members of one race to those of another may be abolished.
 - (3) That the present policy of non-segregation of races may be continued.
 - (4) That not only no new restrictions should be imposed on Indian immigration but that immigration from India should be encouraged for the due and rapid development of the country.
 - (5) That in the government offices and on the railway and in technical government posts, the colour bar shall no longer stand in the way of merited promotion.
- In conclusion, we most humbly and respectfully pray, that His Majesty's Government will carry out the resolution passed at the Imperial Conference in July 1921, and assign to British Indian subjects a status, not inferior to that

of any other of His Majesty's subjects, and will repeal all racial legislation, which has been enacted in the past, to the detriment of Indian interests.

1. M. A. Desai.
2. ~~unfavourable~~
3. Humabhai V. Virji.
4. B. V. Wadia.