

an hour and a half, in the course of which exceedingly searching questions were put to Mr. Malik. He was asked, for instance, if he had any personal grievance against any European in East Africa. Of course he replied that he had none. One member reminded him that segregation existed, in effect, in Indian cantonments which were occupied by Europeans, yet Indians did not take offence at it. The witness avoided that trap very cleverly. Coming from the Punjab, as he did, he could give specific instances to show that Indians lived as next-door neighbours to Europeans in cantonments in India. One member asked Mr. Malik if he knew of any Indian in East Africa who would be fit to be nominated to the Executive Council. He replied that he could mention, off-hand, at least five men who were so qualified. Another member sought to discredit the Indians in East Africa by telling the witness that they sent money away from that country. So do the non-Indians in India, he replied. After the laughter evoked by this sally had subsided, he added that, in spite of disabilities from which his countrymen suffered in Kenya, they had invested a considerable amount of money there.

The fear that seemed to haunt at least a portion of the Joint Standing Committee was that if Indians were given equal political opportunities in East Africa they, through their superior numbers, would be able to dominate that land. Mr. Malik might have been expected to allay such fears by withstanding his recommendation that Indians should be placed on a common register, or by agreeing to the suggestions that Indians should take a lesser number of seats than those assigned to Europeans. He, however, refused to take any such line. Indians, he said, have no desire to dominate, but if, on account of their number and capacity, they do, in effect, dominate, why should they be artificially kept from so doing so long as they were willing to recognise the Europeans as an important minority and concede to them facilities for safe-guarding their interest?

The Joint Committee busied themselves three months with the Kenya problem and then issued their report which is given on page 270.

Round Table Conference in Kenya

NAIROBI, MAY 3RD, 1921

The long-anticipated Round Table Conference between members representative of the Convention of Associations and the Indian community opened under the presidency of H. E. Sir Edward Northey at Government House on Tuesday, May 3rd, when there were present Messrs. Conway Harvey, Anderson, Figgis, Col. Paterson and Sir Frederick Sprott representing the Convention of Associations, whilst Messrs. A. M. Jeevanjee, M. A. Desai, B. S. Varma, Mangaldas, Hussainbhai Suleman Virjee and Abdulla Jaffer Dewjee represented the Indian community. The following Government officials were also present: The Ag. Colonial Secretary (Col. Notley), the Ag. Chief Native Commissioner (Col. O. E. Watkins) and the Attorney-General (Mr. Lyall Grant) with the Private Secretary to His Excellency, Mr. Sandford.

His Excellency in opening the proceedings said that there had been some difference of opinion on certain points of view between the Europeans and Asiatics in this country and when he was approached, with a view to presiding over this round-table conference, he thought it would do a great deal of good. As Governor of this Colony he had to keep an impartial mind. He proposed that the discussion at that conference should be as informal as possible and, as Chairman, he would simply see that definite steps of debate would be followed. He had various files by him and these could be referred to for information if necessary. The first subject looked upon by the Indians as a most important one was the question of representation on the Council of the country by election and he would ask them to put forward their demands in that respect first. When His Excellency first came to the country there were no elected members and one of the first things he did was to get unofficial elected members.

Case for the Indians

Mr. M. A. Desai then outlined the Indian side of the case. He quoted from past history and urged that the principles of equality, liberty and justice had already been recognised by the British Government in India. With regard to the position of Indians in this Colony, there had been constant trading for over 300 years between India and East Africa, and quoted Sir John Kirk as having said

that, but for the Indians, Europeans would not be in the country at present.

Dutch settlers came into the country through G. E. A. about 1901 and 1902, after the South African War, and the colour-prejudice dated from about that time. The Colonists' Association in 1908-9 requested the then Governor, H. E. Sir Percy Girouard, to forward certain resolutions on the subject of Indians to the Colonial Office, but was held out no hope of success at that time. Mr. Jeevanjee was afterwards nominated to the Council but found his position (being a solitary member) so useless, that he went to England and placed the whole position before the Colonial Office.

When the Indians saw the activities of the Convention of Associations, they organised a second congress to consider their position and resolutions were passed demanding franchise. Then there was the question of the Highlands for the European. His Excellency knew quite well that there were European settlers in the Highlands and also in the lowlands.

It was maintained that the Colony was an Indian Colony, but out of 29 seats on the Legislative Council there were only two nominated seats for the Indians. They had heard Europeans many times stating that they were responsible for the protection of the natives of the country, but India was a member of the Empire and the responsibility devolved on both the European and the Indian British subjects.

There was a native community in Uganda friendly to Indians.

His Excellency here pointed out that they were dealing with Kenya and the question what was done in Uganda did not enter into the subject.

Mr. Desai then referred to the position of Indians in the Civil Service and said they were confined to subordinate services only.

H. E. then suggested that the whole subject could not be dealt with at once but that each point should be taken separately and then dealt with. He suggested that the question of franchise be taken first.

Mr. E. K. Figgis, K.C., said he would like the Conference to get down to business and deal with the pressing problems before them. He urged that what they wanted was not a policy dictated from home but a policy agreed upon here. He would urge all to forget the past and try to come to a solution for the future.

Representation.

His Excellency then dwelt upon the question of Indian representation and the fact that after Lord Milner had carefully reviewed the situation, he had come to the conclusion that the Indian interests be safeguarded by their having two elected re-

representatives on the Legislative Council. They (the Indians) had had elective rights for six months but they had not exercised those rights.

Mr. Jeevanjee then urged the right of Indians to have an equal number of seats on the Council with non-official members, suggesting that there should be one third of the seats allocated to official members, one third to unofficial members, and one third to Indian representatives.

His Excellency said there were 11 elected Europeans; could they (the Indians) find 11 members with the necessary qualifications?

Mr. Jeevanjee thought he could find them.

His Excellency then pointed out that they could have elected two members and that would have been a beginning.

Mr. Desai said he agreed with Mr. Figgis to drop the past and he suggested that they had men with the necessary qualifications who would sacrifice the time for the purposes of the State, and then went on to point out that Indians contributed largely to the coffers of the State.

His Excellency joined issue on this point and after Mr. Desai had referred to the 10 per cent. Custom duty and other forms of taxation, His Excellency remarked that this was afterwards put on to the consumers.

The Franchise

H. E. Sir Edward Northey also pointed out the difference between a common and a communal franchise, the former gave the Indians equal right in the government of the country, while a communal franchise would effect representation of respective interests.

Mr. Mangaldas then said that with regard to franchise the position was that the Government of the country was being run by a Council on which 11 representatives of 8,000 Europeans sat, whilst an Indian population of 30,000 British subjects were debarred from taking any intelligent part in the business of the country because they had not the franchise. He thought they were wasting a lot of time fighting one with the other when the business could be settled amicably and to the general welfare of the country. He felt very keenly whenever matters of general interest were discussed by the Convention of Associations or in the Legislative Council, — matters such as currency, native affairs, etc., — they (the Indian community) had no voice at all and could not contribute their share to the business of the country. He suggested there should be a common and not a communal franchise. They as Indians had no wish to swamp the Government of the country but they did want an opportunity of helping to make the country go ahead and he thought that that could only be done by giving the Indians the

franchise, so that 30,000 Indians, instead of retarding progress, would be helping the Colony forward.

His Excellency again pointed out that they complained of having no voice in the Government whereas during the past six months they had opportunity of sending two members and had not done so.

Mr. Mangaldass said that experience had proved the position of so small a minority on a Council to be hopeless.

Mr. Conway Harvey urged that the franchise should only be given to those individuals with some proper sense of responsibility and some educational test should be imposed. He said that agricultural industry must be predominant. He saw no reason why Indian interests could not be properly safeguarded in a constitutional manner by representatives properly elected.

Agitators

Mr. Figgis said it was the duty of the legislature of a country to see that all the different interests were fairly and properly represented and they were anxious here to see that amongst their interests the separate interests of the Indians were represented. As Mr. Conway Harvey had pointed out that a large number of Europeans were more or less in the position of parasites in an agricultural country but all sections were entitled to representation. Mr. Figgis pointed out that there would be difficulty in bringing in a proper method of election. There were a number of Indians very well educated and capable of appreciating the importance of various matters which had to come before a Legislative Council and had a high intelligence, but there were also the other class of people who would be easily moulded to the will and instigation of agitators who had not the interests of the country at heart. They all wanted to see Indians in this country have an interest in the Government of the country but they did want to protect them from those who were more agitators.

Mr. Figgis then spoke in favour of a communal franchise as against a common franchise. In India the British Government was in a totally different position from what it was in East Africa. In India the primary duty of Government was to consider the Indians. In East Africa the primary duty was to look after the natives—a totally different position. There were natives who were capable of having and utilising the franchise. He agreed their members should be elected and not nominated.

Mr. Jeevanjee said he had no intention of putting anything in the way of natives having representation on the Council.

Mr. V. S. Varma agreed that agricultural interests predominated in Kenya but so they did in Cape Colony or Rhodesia where they

had the franchise. What had been done in those colonies could be done here and that the voter's qualifications there should be adopted in Kenya.

With regard to the educational test suggested, Europeans who were illiterate had the vote. If there was an educational test for Indians so there should be for Europeans.

Methods in India

Sir Frederick Sprott was asked by His Excellency to state his views and referred to his Bombay experiences. He quite admitted there must be adequate representation for Indians and that they should be elected and not nominated. He did not, however, think that the demands of the Indians of the Indian community that there should be a common roll would bear close examination.

Firstly, the bulk of the Indians were not sufficiently educated to enable them to choose their representatives and to vote wisely. He thought it was a most dangerous thing to give them too much power in this direction.

In Bombay he had had certain Associations who from time to time were given the right to elect representatives on Boards, etc. For instance, representation on the Bombay Port Trust Board was so valued both by Europeans and Indians that he knew of those whose sole ambition was to get on the Board including some men who had insufficient knowledge of English and ordinary affairs who were incapable of taking part in the discussions that came before that Board. He maintained that the basis for election must be extremely stringent and narrow.

There were, he understood, a large number of Indians in this country who were not, strictly speaking, British subjects. They were subjects of Native States who had found their way here for reasons best known to themselves. Even in India they would not have the right to vote for the election of the member for the Legislative Councils.

In conclusion, Sir Frederick Sprott said he was convinced it was necessary to give educated Indians a fair voice in the Government of the country but he did not think the time had come when it would be safe to allow the basis of election to be that of a common roll. It must still remain on a communal basis for the time being.

After further discussion His Excellency asked the Indian representatives if they could not put up some definite figures as to the number of representatives they considered they should have.

Mr. Mangaldas again maintained that 1/3rd. of the Council should be Indian, which would leave a European majority.

His Excellency said that that would leave an unofficial majority. What difference there was between two or five or six members he could not see.

Mr. Mangaldass pointed out it was a question of two representatives out of 29. He then suggested the reduction of the number of unofficial Europeans.

Step by step

His Excellency said it was a question of proceeding step by step and Mr. Mangaldass said that on taking the first step they found nasty rocks.

Mr. Figgis said it was extraordinarily difficult for them to put a definite proposition until they knew what the educational test was going to be.

Mr. Mangaldass urged that the question of a communal or common roll should be settled. There would be no need for a test unless it was a common franchise. There could be found some Indians who could be a great help in conducting the business of the country and not an impediment.

H. E.—That is an expression of your opinion.

Mr. Mangaldass said it was a fact.

The question of Indians as farmers was then raised and Mr. Jeevanjee said that if the land was given to Indians it would be cultivated, and they would support agriculture and the producer in every way.

His Excellency again appealed for a specific number to be put forward by the Indian community as a start and suggested five but Mr. Jeevanjee urged that the Indian representation should not be less than the European unofficial members.

It was then accepted by Mr. Desai that qualification to the franchise should be the ability to read and write English.

His Excellency thought this concession must serve as a basis on which to come to an arrangement, and the Conference adjourned for 10 minutes to discuss the point.

On resumption Mr. Anderson asked if it was the intention of the Indian community that members who stood for election should be of European or Indian extraction and it was stated that so long as they were satisfied the man would represent their views they did not mind if he was a European or an Indian.

After a further brief discussion the conference adjourned.

WEDNESDAY, MAY 4TH, 1921

The delegates from the Convention of Associations and from the Indian Congress to the Round-Table Conference reassembled on

Wednesday morning under the chairmanship of H. E. the Governor, Sir Edward Northey, when the question of the franchise was further debated. His Excellency briefly stated the course the debate had taken and said he thought the last suggestion, i.e., that the franchise should be granted to all British subjects on a high educational standard, seemed to suggest the possibility of an agreement.

Mr. Mangaldass then asked that the members of the Convention of Associations should put forward their views.

Mr. Conway Harvey said that the members on his side of the House had set up burning a considerable quantity of midnight oil to consider the question and Mr. Figgis had been charged to put their views before the Conference.

The European view

Mr. Figgis then stated that they had carefully studied what were the actual rights of the Europeans and Indians to representation. They could only deal with franchise as it stood at present. The Indians were practically a commercial community and in order to say what representation the Indians were entitled to, they had to ask themselves what was the present commercial representation of the Europeans on the Legislative Council. They had a member for Mombasa, and one for Nairobi North who represented areas which included largely the business districts of the country and possibly a representation in the member for Nairobi South, that is three members. They had decided to put two alternative schemes before the House. There were great difficulties in arriving at a suitable number, but they were entirely in favour of a communal basis, not owing to any racial distinction, but the fact was they were not a self-governing Colony; the Legislative Council were merely advisers and the interests of the Indians were of such a distinct nature that they should be separately represented as a commercial community.

He thought the Indians would agree with him that they could not say their commercial interests were greater than the commercial interests of Europeans. This was an agricultural country and there were importers of machinery and implements who had great interests in the country and who were represented by European firms.

He would say that they considered that the Indian commercial community were entitled to three representatives on the Council; otherwise they would have the Indian commercial interests swamping the European merchants. It was not their desire that either the European or Indian interests should be swamped. Both interests should be fairly represented.

They were in rather a difficult position in having to judge what would be fair without knowing the actual educational test.

Mr. Figgis further contended that the matter was one largely of sentiment and at the basis of the question was the question of a common register. They, as delegates of the Convention, had to say that the sense of feeling of the Convention was that a common franchise under existing circumstances would be a mistake, but they wished to put forward, in the event of a common franchise being agreed upon, the following suggestion:

"They agreed that both interests must be duly represented and there must be safe guards from both points of view. How was that to be effected? The only solution that appeared to them was that only areas which returned representatives to the Legislative Council to represent directly commercial interests were Mombasa and Nairobi.

"They suggested that for each of these districts two members be returned instead of one, one being an Indian.

"The European who had the most votes would be elected and then the Indian who headed the Indian side would also be elected. That would allow Indians in the commercial areas to support a European as well as an Indian with their votes and vice versa. There were many commercial points in which the European and Indian commercial interests were identical and they would have the benefit of being able to vote on either side

Indian Agriculture

His Excellency pointed out that, that would mean six members representing commercial interests and eight producing interests. There were large areas to be developed by Indians which the Government had put aside for purchase and there would probably be a large number of Indians with agricultural interests.

Mr. Figgis said they could only take the distribution of seats as they were at present, may be that later there would be a call for representation of a sufficiently large Indian population.

H. E. Have you thought of the large Indian commercial interests around Kisumu?

Mr. Figgis said they had done so and had come to the conclusion that there was no European representation for Kisumu, but it might be necessary to send a representative for that town later when the matter could be discussed.

Indian Reply

Mr. Mangaldass, speaking on behalf of the Indian community, said he must express a sense of great disappointment at the proposals put forward. Yesterday they had gone to a great length of

cutting away 60 per cent of their countrymen and depriving them of the vote in order to meet the European side and come to a settlement and His Excellency had yesterday said that they had made a concession in that direction. The producer had been put forward as the one factor that should be represented. To his mind the native was the chief producer of the country and by all logical methods of calculation they should leave the whole Legislative Council to Col. Watkins, but the producer discussed was only the European producer. There were large landed interests at the coast and hundreds of Indians owning land who were probably far greater producers than Europeans. They were only going back to the old position by reducing the Indian representation to three members. It was not a question of sentiment but purely a matter of business. They were safeguarding their rights.

Take the past history of the Council ; His Excellency would find that all the laws of the country were against the Indians. The whole statute book was against the Indians, except where taxation was concerned. They got equal treatment when it came to income-tax ; they were probably treated better, because they were asked to pay more. But when it came to laws (even the electoral laws) they were all directed against them. He was sorry, but it seemed to him that further discussion would be fruitless. He had hoped to see a settlement arrived at here instead of settlement from London, but really the latter seemed the only solution.

His Excellency remarked that the native was probably the largest tax payer.

Mr. Desai said they were agreeable to divide the country into definite interests ; the Government majority would not be affected. He was quite prepared to give the natives a share of representation.

Mr. Figgis pointed out that in agricultural districts sparsely populated it would be an easy thing for the Indians to swamp the whole of the district with voters. He did not say they would do so, but there was the danger.

Mr. Desai said they would agree to divide the whole country into districts in the matter of interests.

After further debate Mr. Varma said they were up against communal representation. It was the curse of the country and in order to get out of the difficulty they had proposed a common register. The political situation depended on it. He did not care what the test should be, whether that of ability to read or write English or income test, but there should be a test for all on a common register. Could anything be fairer than that ?

Mr. Conway Harvey raised the question of the immigration

restrictions. Were the opposite side of the House prepared to accept the same restriction as Europeans?

Mr. Mangaldas urged that the immigration laws applied equally to Europeans and Indians. They were against undesirable immigration.

His Excellency then remarked that he agreed that people without sufficient money should not come into the country.

In adjourning the debate H. E. said it seemed to him that there did not seem much use in discussing the matter further for the present he could see no prospect of a conclusion being arrived at.

The Indians demanded, on the ground of being British subjects, equal representation on the Council and a common register with an educational test, and the Convention delegates had come to the conclusion that three members were sufficient representation for the Indians.

Col Watkins

After the adjournment the Acting Chief Native Commissioner said they were there to try and arrive at a compromise. He would ask the delegates of the Convention of Associations why it was necessary to make any restrictions in regard to representation outside towns, and the Indians if they would be prepared to accept the Convention's proposal that in Townships elected members should be Indians and Europeans?

Mr. Figgis then repeated his former arguments. If the Indian community could show in any district that they had sufficient agricultural interests they could then consider the question of their representation.

Mr. A. M. Jeevanjee said they had applied for land, but the Government would not give it.

Mr. Desai said the reply to the Acting Chief Native Commissioner was in the negative.

After the debate on the subject of the franchise had ended, H. E. said they would discuss the question of the acquisition of land in the Highlands. He would like the Indians to put up their arguments as to why Lord Milner's decision should be rescinded.

Mr. Mangaldas said the position of the Indian in the country was most unsatisfactory. It might be asked why Indians wanted land in East Africa so particularly. India had an overcrowded population and in some districts there was a population of 200 persons to the square mile. That in any country would be considered a hardship. In some districts there were 1,000 to the square mile. They wanted room for expansion. They might also ask why Indians did not go to some part of Central Asia instead of

coming here, but he submitted Central Asia was not part of the British Empire. They were members of the British Empire and there were communities in Central Asia who would not tolerate the introduction of Indians as Colonists and settlers. They looked for room for expansion in the British Empire and had every right to do so. The countries available were Uganda, Tanganyika and Kenya, and they should be given the right to acquire land. Mr. Mangaldas then drew the history of the Indian community in East Africa and touched on the part they had played in the late war emphasizing that the people who were instrumental in getting and keeping this Colony for the Empire should have the right they were asking for. With regard to the statement that the highlands were for Europeans, he urged as a logical sequence that the Lowlands should be for Indian settlement, but both the Highlands and the Lowlands were open to Europeans.

Europeans could go to Canada, Australia and South Africa but the only place Indians could go to was East Africa and for Europeans to claim this Colony as their special reserve was totally unfair. They had been promised time after time that this country should be an Indian Colony. Of eight million acres of land only one million acres had been cultivated whereas over 50 per cent of the land in the possession of Indians was productive. It was not a question of sentiment; they needed land badly, and what was more, must have it.

A Challenge

His Excellency said he would like to make a few remarks, not in his capacity as Chairman but speaking as Governor. The Government had been into the question of land and had considered the question. He would ask Mr. Mangaldas whether during the last few months he had been informed of the alienation of a large area of land for sale to Indians, whether he had seen the map produced, and whether he had not applied himself for 20,000 acres.

Mr. Mangaldas said he had seen a map with a large area covered with green but he knew the facts of these lands, the portion marked green was not useful land and not worth anything; irrigation was lacking and they would be able to do little with it.

His Excellency took exception to these statements; he had been about the country a good deal and knew as much about the land as probably Mr. Mangaldas and had information contrary to the views expressed. He wanted to be clear that Indians wanted to buy land in order to work or whether, as insinuated, to give room for the expansion of people on the land from India.

Mr. Mangaldas said the one thing followed the other. He

then said that Indian ex-soldiers had been told they could not have land.

His Excellency said he had a long discussion with Sir Benjamin Robertson on this matter and he also personally knew several parts of India. There were certain acreages set apart in India for settlement and it was a fact these had not been taken up. Therefore the argument that land is required for expansion was valueless.

Mr. Mangaldas said he had talked about the matter with Sir Benjamin Robertson. The ground referred to by His Excellency was a forest infested with disease, where no one could live for two years. Some lands that had been set apart in other areas in India were settled very closely and were now valued at Rs. 1,000 per acre.

His Excellency said Sir Benjamin Robertson in conversation did not agree to this view and had reported against the settlement of Indians in Tanganyika and Kenya.

Mr. Mangaldas then quoted from the Robertson report and said that Sir Benjamin Robertson had reported differently to the statements he had made here. One could live on five acres in India, there were markets available for produce—here one needed 100 acres.

The Convention of Whites' Arguments.

Mr. Anderson then replied on behalf of the Convention delegates. Referring to the question of the work Indians had done during the war, his own idea was that one always had a duty to one's country and that duty involved engaging in wars for the protection of one's home in times of peace and he thought India had a duty to the motherland in that she had been protected for many years. No one entered into warfare with the expectation of reward. The reply would be that certain areas had been thrown open for settlement and there was no reason why special exception should be made in the case of India. The question was whether colonisation should take place by the sons of another race whose qualities as settlers had still to be proved. The Indians came here as well as to Mesopotamia and to France because the climate was more suitable to them here than to European troops and many were sent here from France for the reason that the climate of Europe did not suit them. They were fighting under conditions to which they were not used. If the Indians claimed land in East Africa because they fought, he could not see why other races could not also claim land on the same plea. The first Indians came to the country for the purpose of trading with the natives: as traders they were superior to Europeans—they were great traders. The argument that the land was wanted for expansion was one of the most dangerous arguments put forward. They were here in the land as interlopers as far as

the interests of the natives were concerned. The benefit of the rising races had to be considered. They had the right to a place in their own land, and by granting this claim the development of native settlement would be made increasingly difficult.

Col. Paterson had told him of the reclamation of an area of one-half million acres in India and only a very small proportion of that had been taken up for settlement. If they had this land in their own country he could not understand why they should press for land in other areas. He also said that in India in the majority of agricultural districts where there were large holdings ; these were in the control of Europeans.

Many of the tea and coffee plantations throughout India were owned by Europeans principally. The small holder was of no use in this country, he had not the market. The only farming done must be on a large scale and this had still to be undertaken in India. The Indian had adopted western methods and came to his country with the object of learning western methods of agriculture. Dealing with other points Mr. Anderson said that it was his experience that the Indian did not hold the authority of respect of the native, but he believed and hoped that would be attended to in the future.

Mr. Mangaldass in reply again urged the work of the soldiers and warned the House very seriously that there would not be a ready response should another war come along. He had always been a large employer of natives and found he had always retained prestige—the only difference was the European used the *Kiboko* (a whip by which the white settlers chastise the natives) more than the Indian. He again referred to the promises made by Governments, Kings and Queens for years and years past which had not been fulfilled.

Mr. Desai, following the arguments of Mr. Mangaldass, wanted to read some reports which His Excellency ruled out of order stating they could be taken as read. Mr. Desai was very persistent and His Excellency enquired whether he was the Chairman of the Conference or not.

Mr. Desai did not read his extracts. He insisted strongly it was not so much a question of Western civilisation ; it was a question of colour prejudice.

Mr. Anderson refuted the latter suggestion.

After further debate a deadlock ensued and the Conference adjourned without coming to any settlement.

Report of the Standing Joint Committee on Indians in Kenya

The following is the report of the Standing Parliamentary Joint Committee on Indian affairs upon the question of Indians in Kenya issued in July 1921.

That the Standing Joint Committee have proceeded to consider the Despatch of the Government of India No. 33 of 21st October 1920 (Command Paper 1311 of 1921), relating to the political status of Indians in Kenya Colony, (*See J. A. H., 1921, p. 345*). They have taken this action on the initiative of certain members of the Committee in accordance with the procedure set out in their First Report.

1. This question has for a considerable period been one of some prominence. It has formed the subject of correspondence between Lord Milner, the Secretary of State for the Colonies, and the Officer Administering the Government of the East Africa Protectorate, the India Office, and the Indian Overseas Association.

The Indian Community of the Colony gave expression to their views when a deputation on the general subject of Reforms was received by the Secretary of State for the Colonies on April 19th 1920.

2. The original policy laid down by the Colonial Office in regard to these questions is shewn in the Despatch of Lord Milner of the 21st of May 1920 to the British East African Government.

(a) The Secretary of State agreed to the election of two Indian Members of the Legislative Council on a special franchise, and similar representation on Municipal Councils.

(b) He did not see his way to remove the restriction upon acquiring land in the Highlands, which he claimed would be discrimination in favour of the Asiatic as against European settlement but he offered other areas for Indian colonisation, and in paragraph 8 he laid down the principle of limited ownership of town-plots.

(c) He adhered to "Segregation" on the grounds of sanitation and social convenience; and he also stated that he could not countenance any restrictions which would place natives of India at a disadvantage as compared with other immigrants.

3. This Despatch of the Secretary of State for the Colonies was forwarded by the Secretary of State for India to the Govern-

ment of India, who replied in their Despatch No. 33, dated 31st October 1920 (Command Paper 1311 of 1921) setting forth their views upon the subject.

These views were briefly as follows:—

(1) As regards Franchise, they reiterated their opinion that there should be a Common Electoral Roll. They admitted that the bulk of the Indians were not ripe for the adult suffrage which the Europeans at present enjoy but they proposed that there should be a common franchise on a reasonable property basis plus an educational test without racial discrimination for all British subjects.

(2) They considered that the original discrimination exercised in making Government grants of land in Highlands was not now at issue as practically all the lands had been allotted and that there was no justification for extending this discrimination to the transfer of Upland farms which were already in occupation. Even if the principle of race segregation were admitted the necessity for the prohibition of the transfer of town plots from Europeans to Asiatics did not seem obvious and they considered it inequitable to restrict the right of transfer of plots already alienated and unnecessary to impose any such restriction on the sale of net plots which might be alienated hereafter.

(3) The decision of the Colonial Office as to the segregation of races was, they asserted, resented not only by Indians in East Africa but by educated opinion throughout India. They believed that sanitation and social convenience could be adequately secured by mutual consent, by strict enforcement of sanitary and building laws and by a just administration of municipal revenues. Legislation on racial lines would stimulate hostility and ill feeling and would, they feared, gratuitously provoke political trouble in India and throughout the Empire.

As a basis for these specific suggestions the Government of India urged that there was no justification in a Crown Colony or Protectorate for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects.

They referred in conclusion to a suggestion that a Royal Commission should be appointed to consider the whole question of the administration of East African Territories and urged the appointment of such a Commission and the inclusion of the Indian question in the terms of reference.

4. The discussions had reached this point when the Committee took up the question.

The Committee have heard witnesses representative both of the European settlers and of Indian opinion in Kenya. They have also had the advantage of the evidence of official witnesses connected

with Kenya, and of Sir Benjamin Robertson, who visited the Colony on behalf of the Government of India. The Under-Secretaries of State for the Colonies and for India have also attended the Committee and explained the present attitude of their representative Departments.

The Committee have examined and sifted the oral evidence both in relation to the policy of the Colonial Office and to the proposals of the Government of India in the hope of ascertaining some common ground for settlement.

5. The Committee have, moreover, reviewed with care the proposals made by the Government of India in their despatch of 21st October.

The claim made by the Government of India as to status on behalf of the Indians in Kenya is clear. They do not suggest that Responsible Government should be given to the Colony, or that the present official majority in the Legislative Council should be abandoned, or that the basis of Crown Colony Administration should be modified, but they claim for the British Indians that they should share with the European settlers on a common franchise the right of electing members of the Legislature and of the Municipal Bodies, and that there should be no discrimination against Indians as such as regards other rights which these settlers enjoy.

In this connection the Committee have noted the wide concessions affecting status which are granted to all Nationals of State Members of the League of Nations under the Draft Mandate for the adjacent Mandated Territory of Tanganyika (Command Paper 1284 of 1921).

6. The Committee have decided to commend the acceptance of the general principle which the Government of India have laid down, namely, that there is no justification in Kenya for assigning to British Indians a status in any way inferior to that of any other class of His Majesty's subjects. Kenya is a Colony in which India has always had a peculiar interest, and Indians have taken a large share in its economic development. It is true that the Committee quickly realised that the question involved not merely the status and privilege of Indians in Kenya colony, but in any British Colony, mandated territory, or Protectorate, into which Indian immigration has occurred, or may occur in the future. The handling of this question cannot therefore be dissociated from Imperial policy of vital importance, and may affect even the self-governing Dominions. But it is with Kenya alone that the Committee are at present concerned, and their recommendations are limited to the problems which have arisen there. It is the view of the Committee that any opinions which they may express with regard to Kenya need not

of necessity be applicable to other cases, where the conditions may be different, and they have no desire to prejudge future issues which may not be wholly analogous.

In the light of this conclusion they have examined the specific proposal of the Government of India as to Franchise, Segregation and Ownership of land.

As regards the Franchise, the Committee accept the contention that Indians at present are not properly represented in the political and municipal life of the country, regard being had to their number, the position which they occupy, the taxes which they pay, and the part that they are taking in the industrial and commercial progress of the Colony. The Committee believe that a reform of the Franchise is due, which will secure for Indians an increased representation in the Legislative Council and Municipal bodies, and that effect should be given to such reform without undue delay. It may be that the best machinery will be found in the adoption of a common electoral roll and a Common Franchise on a property basis with an educational test. This is in effect the Indian claim, but it was strongly objected to by some of the witnesses on the ground that, as Indians outnumber the Europeans by more than three to one (about 30,000 to 8,000 or 9,000), a Common Roll, even with a restricted Franchise, would, if not immediately, before long give a majority to the Indians and create a situation which the Europeans could not accept. Upon the information before them, the Committee do not feel in a position to suggest in what precise manner the Franchise should be framed with regard to the various interests concerned in Kenya. Any standard of property and education must be a question for examination, and the new regulations cannot be prepared satisfactorily without an enquiry into local conditions and an attempt to compose on the spot the contending opinions in Kenya.

8. Compulsory Segregation is undoubtedly considered by Indians as a badge of racial inferiority, and the question of how far it can be avoided ought to be carefully explored. There is evidence that certain Indian quarters in the towns have become a danger to the general health. The Committee see no reason to suppose that the arguments which have been put forward in defence of Segregation could not be met by a system of sanitation founded on the careful enforcement of uniform and enlightened regulations.

Experience is available in India of the success with which such regulations can be made effective to enable Indians and Europeans to live and carry on business side by side in harmony without resort to legal segregation.

9. There remains the question of the Ownership of Land, which is represented by Indians as another instance of the racial discrimination of which they complain.

The claim of Indians to the right of settlement in the Highlands of the Colony presents difficulties of a special kind. The Committee are informed that the bulk of available land has already been conveyed away; and they understand that the Colonial Office regards itself as bound by certain pledges in favour of European settlers. They have naturally no desire to suggest any breach of faith; but they have received evidence which would seem to justify further enquiry into the matter. To what extent reform can be effected on practical and equitable lines is a matter for investigation which the Committee clearly could not undertake.

10. The Committee have reached the conclusion that the evidence before them is insufficient to serve as a basis for any fair judgment on these important questions. It has only served to emphasise the delicacy and extreme difficulty of the whole problem, and convinced them that they cannot hope to get the material for making comprehensive recommendations from any evidence which can be obtained in this country.

To pass a dogmatic judgment on the several points at issue would be impossible without local knowledge to which the Committee cannot pretend or without calling masses of evidence which it might be inconvenient or impossible to obtain. Nor could the Committee, sitting in London, estimate with accuracy the depth of feeling which ranges itself behind the widely divergent views held in the Colony, or make satisfactory efforts to allay those feelings and reconcile those views. Further, the Committee recognise that it would be difficult and possibly unfair, to expect the local Government of the Colony and its officers to translate into the details of administration conclusions which may not be received with complete and general approval in the Colony.

11. The Committee therefore strongly urge that some impartial body should visit Kenya and formulate detailed proposals as regards the various questions at issue. Practically every witness who has appeared before the Committee has admitted the advantages of such a course. The Committee recommend that, subject to the recognition of the general principle of status, this body should be charged with submitting proposals for the settlement of the difficulties as to the Franchise and the Ownership of Land and to report how far Segregation can be avoided, or proper sanitary regulations enforced.

The Committee are concerned alone with the grievances of

British Indians in Kenya, and if the enquiry is to be limited to these grievances, they may make precise recommendations as to the nature of the tribunal which should be appointed.

12. The Committee are aware, however, that there are other problems in E. Africa, which will call for local investigation, besides the grievances of Indians. And even in the examination of these grievances it must not be forgotten that it is the native population which forms the predominant factor in the country. It vastly exceeds the Europeans and the Asiatics in number. In Kenya alone, the natives number probably 2,800,000 while the Europeans and Asiatics together do not exceed 40,000. The continuance in Kenya of the Crown Colony system of administration implies the recognition of our duty to the Native African Races, and their ultimate participation in some form of Self-Government will depend on their response to the influence of Civilization.

The problem of the Indian community is thus only part of a much larger one which faces His Majesty's Government, not only in Kenya but also in the adjacent tropical Colonies and in the Mandated Territory of Tanganyika, and the comparatively narrow problem to which the Committee have addressed themselves has brought into the perspective matters of urgent imperial moment in tropical administration. If it is found desirable to appoint a Royal Commission to consider the matters, the Committee recommend the inclusion of the Indian question in its terms of reference.

The Anti-Indian Agitation

The publication of this report maddened the European settlers and set them to a whirlwind campaign of agitation against the Indians. A strong protest against the report was made in the *Times* over the names of Lord Sydenham, Sir W. Joynson Hicks and Sir Charles Townshend, the dogged enemies of all legitimate Indian claims. The cry was raised that Kenya ought to be retained as a Colony for White men and that the principle of equal status for Indians should in no case be conceded, adding that "we cannot imagine that any British Government would give Indians equal franchise with the White men and, in fact, by so doing convert an British Colony into an Indian Dependency." The situation became so grave that Sir E. Northey, the Governor, was called to London to discuss the situation with the Colonial Secretary. The Europeans in Kenya despatched a deputation to tour throughout Rhodesia and the Union of South Africa and to interview General Smuts with a view to invoking his sympathy. General Smuts, being forbidden by his position to receive the deputation officially, consented, however, to receive it unofficially, and assured the deputation of his unofficial sympathy. He added that he had urged upon the Imperial Conference the view that as regards the Indian question Africa should be treated as a whole. The deputation, after the interview with General Smuts, toured the Union, and everywhere received expressions of sympathy. Meantime the natives in Kenya had not remained silent, and at several public meetings had expressed the view that they regarded the Indians as their best friends after the English missionaries, and that the influence of the Indian upon the native was all to the good. It was alleged by the Europeans, however, that these native resolutions had been engineered by the Indians as a reply to the allegations made by the Europeans that the influence of the Indians upon the natives was evil and corrupting. In October Sir E. Northey returned from England but, contrary to expectation, he made no immediate pronouncement of policy. In a speech, delivered shortly after his return, he declared that his intention was to endeavour to bring about a better state of feeling between Indians and Europeans, as, in the present whirlpool of emotions, it was impossible that any reasonable compromise could be effected.

The following extract from a secret document of the Convention of Association clearly shows their attitude :—

"That the Indian menace to the European colonisation of Kenya being economic in origin and dependent upon economic causes for its continuance, this Convention (i.e. the Convention of Associations) urges District Associations to carry out with the utmost vigour, determination and relentlessness the 'boycott' of all Indians in this Colony. It further recommends appointment of local vigilance Committees and local adjudicating and advisory Committees to deal with any cases requiring special or exceptional treatment and to consider methods of more active prosecution, and further that the Executive of the Convention be instructed to confer with the wholesale and retail merchants at Nairobi with a view to impressing upon them the strong feeling in the Colony on this question, and to endeavour to obtain the co-operation of and to link up merchants free from Indian sympathies with the white consumer, and further that a Sub Committee of the Executive be appointed to carry out this latter proposal and to act as general adjudicating Committee to which may be referred any differences or difficulties arising. Further, that the Sub-Committee of the Executive immediately set on foot a campaign for the reduction of Asiatic Artizan Labour."

In this respect, so far as the information goes, the Executive of the Convention of the Associations have written to several European firms to remove all their Asiatic staff and to replace same by either Europeans or the natives of the country.

Another Document

Similarly, the Convention of Associations, Nairobi, sent through the Governor to the Rt. Hon. the Secretary of State for the Colonies, the following strong recommendation on the "Indian policy in Kenya" —

"India is engaged in a great and difficult experiment. It will take some years to determine whether any part of Africa is capable of Self-Government on the Western plan. As an experiment it may be justified as a possible means of making India a voluntary member of the nations which make up the British Empire.

"But she has still to prove herself and no valid argument can be produced 'for giving her equal political rights with Europeans' in Africa who have proved their capacity for Government over other races for whom the Imperial Government is responsible. We feel therefore — (a) That the experience of the past has proved the impossibility of mixing Europeans and Asiatics in one Colony on any footing which is acceptable to both, (b) that therefore the Imperial Conference has in fact laid down a policy of segregation by countries between East and West by reciprocal control of immigration, (c) That Indians not having proved themselves 'capable of governing' themselves cannot be judged capable of helping to govern others, (d) That the policy of segregation laid down by Imperial Conference should not be prejudiced beforehand in countries which had been given constitutional rights which are in reality a pledge of Self Government in the future by the Imperial Government. That the new supplementary policy of the Imperial Conference in 1921 is contradictory to the spirit of the policy laid down in 1917, if it is applied to countries which, as in Kenya, have been given any such measures of popular European representation as foreshadowed Self-Government in the future, (f) That the introduction of any form of Eastern control in Africa is a real potential danger to the Empire. No one can say with certainty to-day

that India will side with us when the inevitable struggle between East and West takes place, and even if the chance of her not doing so is a small one, it is unwise to run even the slightest risk of throwing Africa into this scale on the wrong side. European Colonies in Africa can only strengthen the Empire. Asiatic control over any part of Africa may easily be a source of weakness. The experience of the past has shown that you cannot have both within the same boundaries without creating that very friction you wish to avoid. (g) That the Imperial Government should not prejudice the future of the African by sharing its burden and responsibility of Government with a race which has no right, by conquest or by peaceful penetration, except under British Protection, to consider itself entitled to rule Africa. That in the future Africans should share in the Government of their own continent is in keeping with the Imperial policy, and that in the meanwhile they should fill the posts which their capacity allow is surely their right. European settlement is undoubtedly complementary to African advancement. Asiatic settlement can only detrimentally compete with African advancement.

'Cannot Live Together'

(h) 'That, therefore, the 'basis of the Policy' for Kenya should not be a nebulous formula, which introduces the troubles South Africa is undergoing now, and which the self-governing Europeans have had to overcome in the past, and thereby creating continual friction between Indian and the units of the Empire. The basis of the Policy should be the recognition of the true spirit of the Imperial Conference of 1917 which was that the European and Asiatic cannot live together on any footing of equality within the same boundaries, without creating a friction which is harmful to the Empire.

(i) In the case of Crown Colonies as Kenya, 'equal rights for civilised men' as applied to Asiatic can only keep alive that friction which is intended to lay the root, and prejudice the future peaceful political advancement of the country; besides taking from the European community political rights which the past policy of the Empire has led them to expect. Once this is recognised, a form of equality policy can be laid down for the Asiatic already legally domiciled in Kenya. Once India is informed that she has to prove her own capacity for self-Government, that a demand for right over other inhabitants of the Empire cannot be considered, and that she knows this is the unalterable determination of the Imperial Government, the agitation to take part in the Government of Africa will die down, just as the agitation to obtain rights in Australia and Canada has faded away.

"The past policy of the Imperial Government to attempt to force on European Communities political rights for Australia has failed, and, besides creating friction with the Empire itself, is to day standing a bar to the true world policy of England, close co-operation within the United States of America for the advancement of our natural civilisation."

The Stanford Memorandum

The following memorandum issued by Mr. Stanford, the Governor's Private Secretary, to the Municipal Council, speaks for itself.

1 "The present constitution of the Municipal Council is nominally:—Europeans 15, Indians 2, Goan 1

2. In 1917 the constitution was.—Europeans 6, Indians 2, Goan 1, European Officials 9:

3. European Officials were withdrawn from the Council at the end of 1918, the Indian Association then arguing that the preponderance of European Unofficial members was prejudicial to their interests.

4. The European members now offer the Indians 4 seats, presumably exclusive of the Goan member.

5. As a basis of argument, let it be assumed.—[a] That the Council should consist of about 18 members [b] That Municipal representation should in equity be based on [i] Population, [ii] Payment of Rates, [iii] Educational qualifications, [iv] Property qualifications., [c] That there is no adequate reason for any racial preponderance not provided by adherence to the qualifications mentioned in [b], [d] That the present constitution of the Council cannot be regarded as an equitable precedent.

6. In examining the sub-sections of paragraph 5 [b] we find from the late census returns that the adult population of Nairobi is,—Europeans 1,874, Indians 5,628, Goans 928, Arabs 78, others 172

7. Rates paid by the Indian Community are stated by the Indian Association to be sixty-seven and half per cent of the whole.

8. The Indian Community admit that some 60 per cent of their community are illiterate in English. The census officer suggests 90 per cent. are illiterate. As a compromise until an assessment is made, let it be assumed that 25 per cent of the Indian Community can satisfy a reasonable educational test.

9. Let it be further assumed that 80 per cent. of the Goan community can satisfy such a test and that all Europeans can do so.

10. Omitting property qualifications, the proportion of representation on these figures should be —Europeans 19, Indians 14, Goans 7, or on a total of 18 members of the Council —Europeans 9, Indians 6, Goans 3

The Goans are, perhaps, over-represented, but on present information, that should be the constitution of the Council. Modification might be necessary on detailed assessment of qualified electors.

11. The above figures have included adult women in the qualified population. Any proposal for a common franchise cannot automatically exclude women of one community while admitting those of another but it is probable that a property qualification will disfranchise the majority of women

12. The accompanying statement shows the proportion of qualified voters on the above assumptions following the census areas.—Areas 1 to 25 Europeans 1,872, Indians 1,403 Goans 731

On Dec. 19th, 1921 the Nairobi Municipal Councillors (Europeans) and the representatives of the Nairobi Indian Association met together and discussed the Standford Memorandum at the suggestion of the Governor. But the Europeans were obdurate. The Town clerk in his note said: "it is submitted to His Excellency that the issue is an integral part of the general political question and cannot be separately treated. The invitation to the Council to regard the whole question as non political and to approach it without reference to larger issue is, in effect, "whatever its motive a move towards circumventing the opposition to the Asiatic agitation by encountering the parties interested separately and

defeating them in details. The Council must not walk into the trap.

"It will be remembered that in 1917 both the Indian and the Goan Communities were allowed to hold elections, which were so irregularly conducted that Government refused to accept the results. In 1918 two Indians and one Goan were elected, after polling conducted by the Municipal staff. In 1919 the election Committee knowing that a large proportion of the Asiatic voters who registered the previous year had only temporarily acquired the ability to write their own names in order that they might be registered, insisted on opening a new Register which the Indian Community refused to recognise. Since then no Indian candidates have ever come forward.

"These circumstances, it is submitted indicate the unfitness of the Asiatic Community here for representative institutions."

The Delamere Deputation

And not only this. An European Delegation to Mr. Churchill headed by Lord Delamere was sent in December last by the Europeans of Nairobi to urge their views on the Colonial Office, and the Government announced that Mr. Churchill will make a pronouncement after seeing the Delamere delegation and will not decide the Indian policy in Kenya till then. The following is taken from the memorandum of the delegation submitted to the Colonial Office :—

"The British European community now insist that the ultimate Asiatic Policy of the Colony must include the principles which they have for long past maintained as essential to the development of Kenya and to the maintenance of Imperial integrity, principles which the convention of associations affirmed in June 1919, and, in reaffirming in 1921, digested into the following five cardinal points :—

- [i] Strictly controlled immigration at present, with a view to ultimate prohibition.
- [ii] Two nominated, and not elected, Indian Members of the Legislative Council.
- [iii] Segregation in residential areas, and, where practicable, in commercial areas also.
- [iv] No alienation to Asiatics in the Highland area.
- [v] Full recognition of existing Asiatic's property rights.

The Memorandum goes on to state :—

"As regards segregation—a people which has elevated caste into a religion and carried the principle of exclusiveness to an extreme pitch can hardly be taken seriously in their objection to segregation . . . The dangers of non-segregation of an oriental race in a European Community are mainly on sanitary and moral grounds. The views of the bulk of the local Indians on sanitation are worse than primitive . . . From the moral aspect, the breaking down of the barrier of segregation will inevitably lead to the establishment of mixed schools with the undesirable consequence of the English children sitting along-

side Indian children, who are in all probability married and initiated into the mysteries of sex. The Europeans of Kenya cannot agree to face dangers of such magnitude . . . it may be pointed out that Professor Simpson advised on social and sanitary grounds, not only the segregation of the two communities, but the establishment of reserves of neutral zones between European and Asiatic residential areas as a further safeguard against the intermingling of the races."

"There is no room for doubt that the Church and the Missionary Societies take the view that the grant of right to India which would lead to her ultimate supremacy would sound the death-knell of native advancement. Cann Burns, one of our oldest and best-known missionaries, gave it as his opinion that, if the proposed concession to Indians were carried into effect, the progress of the native would be put back 50 years.

"The Medical faculty is equally emphatic. Dr. Burkitt, the senior private medical practitioner in the Colony, who was for many years a medical officer in India, said — I say as a medical man that no sanitation can be carried out in the face of the abominable religious customs of Indians, and, judging from what I myself have seen of them, I say unhesitatingly that they are much more degrading and debasing than anything I have seen or heard of among the natives of this country. Venereal disease, I need hardly say, in people following such debasing religious customs, is rampant, more rampant probably than anywhere else. The same may be said of bestial sexual offences, also generated by these religions."

"There is a wider aspect. Our concern for our homes in Kenya and for the well-being of the native people does not blind us to the fact that the danger to the Empire and to Christianity is greater.

"If the East is permitted to penetrate Africa and the Trusteeship of the vast native population be transferred to other and alien hands, then gone is the dream of a series of Christian African States, created and linked together by the genius of British Colonisation.

"Australia, New Zealand, Canada and South Africa have all closed the door to Indian immigration. All have seen the danger. To those on the spot the menace is apparent. To those at home in England it is vague and indefinite.

"To sum up, —

"Is England to be marked with the stain of betraying the African Native to Eastern rule?"

"Is the young growth of Christianity and Western Civilisation to be supplanted by Eastern creeds and superstitions?"

This document was signed by Lord Delamere and by Mr. C. K. Archer on behalf of the European Convention of Associations of Kenya. The following passage occurs in a memorial submitted to the Colonial Secretary, Mr. Churchill, by the European Convention: —

"We feel that experience of the past has proved the impossibility of mixing Europeans and Asiatics in one Colony that the Imperial Conference has in fact laid down a policy of segregation between East and West by reciprocal control of Immigration, that the introduction of any form of Eastern control in Africa is a real potential danger to the Empire. No one can say with certainty to-day that India will side with us in the inevitable struggle between East and West.

The past policy of the Imperial Government to attempt to force on European Communities political rights for Asiatics has failed. Besides creating friction within the Empire itself, it is to-day standing as a barrier to the true world policy of England in close co-operation with the United States of America for the advancement of our civilisation."

As opposed to the European Deputation there was also an Indian Deputation in England which was totally ignored by Mr. Churchill. On 28th January 1922 when speaking at the Kenya Colony Dinner in London, where he was the chief guest, Mr. Churchill delivered himself of a highly reactionary speech and blatantly declared that Kenya was a characteristically and distinctively British colony. He said :—

Mr. Churchill's Kenya Speech.

"Let me make one statement which will, I trust, limit the anxieties which are felt by the White population. I am now in communication with my friend Lord Delamere on the general question of what is to be done to regulate the position of Indians in East Africa. We consider we are pledged by undertakings given in the past to reserve the highlands of East Africa exclusively for European settlers, and we do not intend to depart from that pledge. That must be taken as a matter that has been definitely settled in all future negotiations

"We consider that the interests of British settlers and the native population alike require that all future immigration of Indians shall be strictly regulated, and that the same principle of equal rights and conditions for all civilised men shall rule in respect of immigration laws as in all others. We recognize that the laws relating to immigration and the administration of these laws, more than almost any other matter, must be a subject of the closest consultation between the official Government and the existing residents in the country. We do not contemplate any settlement or system which will prevent British East Africa or Kenya becoming a characteristically and distinctively British Colony, looking forward in full fruition of time to complete responsible Self-Government.

An East African Federation.

"There is one other question I will touch upon. That is the scheme, which has been in so many minds, to amalgamate the four countries of Kenya, Uganda, Tanganyika, and Zanzibar. This would make a magnificent whole, and there is no doubt that many of the problems—railway problems, financial problems, which present themselves to-day in each of these four countries, can be solved on a higher plane and with greater advantage if there were a united superior organisation for the whole of those regions. I have been directing my advisers to study this matter in detail, and if no action has yet been taken it is not that I have any doubt that this is the ultimate conclusion which we shall reach, and reach in a few years. I have delayed action for one reason and one reason only, that we are going through bad times and that we cannot afford to disturb the existing order at the present moment. We have just

to hold on until times get better. I look forward undoubtedly to a day when a great East African Federation, almost an Empire, will be created, with a common energy and with massed and pooled credits and resources, by which every member of that Federation would be benefitted. I look forward to the day when such a Confederation will take its place in the Crown Colonies of the British Empire on equal terms with the great West African Colonies, which are so prosperous, and with which Sir Frederick Lugard, who is here to-night, has been so successfully associated."

The Govt. of India's Protest.

This speech raised a ferment of agitation both in India and in Kenya. The betrayal of Indians in the Colony by Mr. Churchill was the subject of animated debate in the press and platform. The following telegram was addressed by His Excellency the Viceroy to His Majesty's Secretary of State for India, 25th February, 1922. "On the 23rd February the following resolution was carried unanimously in the Council of State. This Council recommends to the Governor General-in-Council that he should communicate to the Right Hon'. the Secretary of State for India the strong feeling of resentment aroused in this Council and in the country generally by the speech of the Right Hon'. Winston Churchill delivered at the last East African Dinner in London

"The same strength of feeling was revealed in the debate as was shown in the Assembly. One member even urged that the Government of India should not rest content with mere representations, notwithstanding how strongly they are worded, but in the event of failure to secure a decision in favour of the Indians the Indian members should resign in a body as a constitutional protest. Mr. Churchill's later statement in the House of Commons on the 14th instant has had no effect in relieving anxiety and indignation felt in this country."

The Kenya Agitation

A joint meeting of the members of the Standing Committee of the Congress and the local association was held in Mombasa on 30th January 1922 when the following resolution was passed.—

(After referring to the Churchill pronouncement, it was—)

Resolved that in view of the situation thus arisen, the Interim representations be declined and a special session of the Congress be convened if necessary to consider the situation and to take steps in accordance with the resolution of non-co operation passed at the third session of the Congress held at Mombasa in 1920.

Resolved further that all the associations of the country be informed and recommended to pass similar resolutions.

The N-C-O Resolution

The following is the N-C-O resolution referred to above —

"Whereas in spite of repeated representations from His Majesty's Indian subjects in East Africa and from all other sources and the Government of India from time to time to accord equal treatment to them in all respects based on the principle of equality of status for the Indians within the Empire in general and in Crown Colonies and Protectorates in particular, His Majesty's Secretary of State for the Colonies, influenced by the pressure of a class of European settlers full of racial animosity and trade jealousy, meted out humiliating treatment to the trusted deputation of the Indians of East Africa headed by the president of the third session of the Congress, Mr. A. M. Jeevanjee, who declared in his speech delivered in the House of Lords on the 14th July, 1920, and subsequently announced by His Excellency the Governor, the administrative policy to be adopted as regards the Indians residing therein with regard to franchise, segregation of races and ownership of land—a policy which is absolutely unjust and disappointing, violates all the acknowledged principles of civilised Government and is detrimental to the future prosperity of the Colony and the interest of the Empire—this Congress humbly and respectfully appeals to His Majesty in Council to issue instructions to his responsible ministers to recognise the principle and practice of complete equality of status for the Indians in Eastern Africa.—

"(a) By immediately removing all disabilities resulting from the adoption of the principle of segregation of races in the East African Territories which is most injurious and detrimental to the political advancement and economical interests of the Indian subjects of His Majesty the King, the right of franchise on the same basis as that on which it is granted to the Europeans on a common register.

"(b) By removing all disabilities imposed upon the British Indian in acquiring land in any part of the Colony of Kenya Protectorate of East Africa, Uganda and Zanzibar, and

"(c) By removing the racial bar which at present exists in the way of Indian Civil Servants being appointed and promoted to Officer grade

"Failing which within a reasonable time this Congress resolves that it has no alternative left to it but to advise and adopt such measures of peaceful and effective political weapons of self-defence, such as non co operation, as a remedy to achieve the objects specified above by stages that should be decided under the advice and guidance of distinguished Indian leaders who should be invited here specially for this purpose at an extraordinary session of the Congress to be convened specially for this purpose."

Kenya in the Commons

The agitation over the Churchill pronouncement grew into threatening proportions. It was an open secret that Messrs Churchill

and Montagu were in strong disagreement in the Lloyd-Georgian cabinet as to Britain's Colonial policy. Mr. Montagu tried to counteract Mr. Churchill's notorious statements in his 1920 Club speech but Mr. Montagu himself had to go owing to his pro Indian proclivities.

In the course of examining the conditions in Kenya during the Colonial Office debate in the House of Commons on July 4th. 1922, Mr. Wood said that after further discussing the Indian question with Earl Winterton he was far from unhopeful of the possibility of agreement. Mr. Churchill was always prepared to offer Indians exclusive use of other lands outside the Highlands, but with reference to that area he considered that their hands were tied by past history. In his opinion throwing the Highlands open to universal colonisation would be inconsistent with the understanding on which the settlers were induced to settle there. Mr. Wood laid emphasis on his statement that the settlement of the Indian question must be regarded in the light of the practical stubborn facts of Kenya.

The Present Situation

Events, however, began to take a more hopeful turn later on when Sir Edward Northey, the anti-Indian Governor under whose aegis the European Convention and the Delamere-gang were able so extraordinarily to flourish, was recalled and Sir Robert Coryndon was appointed Governor in his place. Since his assumption of office Sir Robert has shown a keen appreciation of the Indians' difficulties and has evinced a personal solicitude for the just and human claims of the Indian settlers. His Excellency went so far as to open on invitation the Fourth Session of the East Indian National Congress 1922 and in doing so expressed himself very felicitously of the loyalty of the Indians.

Resolutions of the East Africa Indian Congress

The following among other resolutions were adopted at the last session of the East Africa Indian National Congress under the presidentship of Mr. M. A. Desai.

Protest Against Segregation

This Congress views with great alarm and consternation the announcement made by the Secretary of State for the Colonies at the East African Dinner and by the Under-Secretary of State in the House of Commons on the occasion of the Colonial Office vote, regarding the reservation of Highlands for Europeans and indignantly protests against any such disabilities being imposed on His Majesty's Indian subjects, the same being inconsistent with the principle of equality.

This Congress does not recognise that any pledge could be or ever has been given to Europeans for the reservation of Highlands but on the other hand Indians have it on the authority of no less a person than Lord Elgin, the then

Secretary of State for the Colonies, that "with regard to 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."

This Congress re-asserts that the Crown Land Ordinance, 1915, which openly sanctions racial bar on transfer of land is a direct contravention of the above definite pledge to Indians, especially in view of the fact that section 73 of the said Ordinance has been invariably used to veto transfers to Indians.

This Congress most emphatically affirms that the question of franchise on a common electoral basis to His Majesty's Indian subjects, domiciled within the East African territories, is unduly delayed and is retarding their progress seriously; therefore, this Congress most earnestly appeals to His Majesty's Government to grant equal and common franchise to Indians, thus affording them equal opportunity to contribute to the welfare and prosperity of the East African territories.

This Congress, in view of the part played by Indian troops in the early conquest, pacification and development of these territories, strongly urges His Majesty's Government not to impose any restriction on Indian immigration. Such measures will undoubtedly seriously interfere with the development of the African Natives and hamper the progress of the East African territories.

This Congress places on record, once more, their most emphatic and indignant protest against the principle of segregation of Indians in East Africa because, apart from wounding their national susceptibilities, it is subversive of all economical principles, prejudicial to the rights of private ownership and destructive of all vested interests of the Indian community.

In view of the declaration of policy by the present Secretary of State for the Colonies on the 22nd June 1921, this Congress respectfully urges him to throw open the higher Civil and Military posts to Indians according to merit and irrespective of colour, creed and race.

Indians and Self-Defence

(a) This Congress places on record their sense of disappointment at the absence of opportunity to the Indian community for participation in the defence of these countries and protests against the Territorial Force Ordinance.

(b) In view of a large number of callous murders of defenceless Indians committed in the colony of Kenya and adjoining territories and of the increasing number of daring burglaries, this Congress strongly resents the persistent refusal of the Police authorities to grant permission to Indians to possess suitable fire-arms for their protection.

There is no law prohibiting British Indians from possessing firearms and the past record proves that such Indians who are in possession of fire-arms have never abused the privilege. The nature of the country with wild animals and with warlike Natives renders it absolutely necessary that Indians should be freely permitted to possess weapon of self-defence according to their own choice without any interference by the Police.

Indian Settlers in Tanganyika

This Congress re-affirms its resolution No 4 adopted in connection with Indian interests in the Tanganyika Territories at its 2nd session held in the year 1921, and in view of the fast progression of settlement by acquisition of immense properties by Indians, requests the Tanganyika Government to move in the matters referred to in the said Resolution as soon as possible.

East African Federation not Wanted

(a) This Congress strongly protests against the idea of the contemplated East African Federation in that the Zanzibar Protectorate is virtually an autonomous Arab Sultanate, the Tanganyika a mandated territory and Uganda a

Protectorate, and more especially when the population of these territories is opposed to such federation

(b) This Congress supports the opinion of His Majesty's British Indian Subjects in the Zanzibar Protectorate that the post of the High Commissioner for that Protectorate having not justified itself during so many years past should be abolished and the British Resident made directly responsible to His Majesty's Secretary of State for the Colonies

This Congress urges His Majesty's Government to introduce the liberal institutions in the Local Government of Zanzibar such as the extension of the present Protectorate Council to a Legislative Council on elective principles, and the establishment of Municipality with adequate Indian representation thereon

Equal Rights for Indians

(a) This Congress requests the Local Government and especially the Government of the Colony of Kenya to grant adequate representation to the Indian community on the District Committees, Road Boards in the Colony and Protectorate of Kenya as well as on the Land Board

(b) That the Government of Kenya be requested to introduce a Bill in the Legislative Council for the enforcement of the system of Trial by Jury at the first opportunity and the local Governments of the adjoining territories be also requested to extend the said principles at the earliest opportunity

(c) This Congress resolves that the local Governments be requested to make improvements in the diet, clothing and housing accommodation of Indian prisoners in His Majesty's prisons in East African territories, the present treatment as regards food and clothing, etc., meted out to Indians being inferior to that granted to the Natives of South Africa, Seychellians, and Portuguese Indian subjects.

(d) This Congress requests the various local Governments to provide adequate hospital accommodation for the Indian community.

(e) This Congress requests the local Governments to appoint Indian Visiting Justices to visit gaols to ascertain the exact state of treatment meted out to Indian prisoners and also to appoint Justices of the Peace or Honorary Magistrates to attend the cases of Indian litigants

(f) The Congress resolves that the local Government be requested to issue 99 years' leases to the holders of Shambas on temporary leases throughout the Colony of Kenya and especially in Nairobi and Machakos

Uganda Protectorate

(a) This Congress views with great concern the attitude adopted by the Government of Uganda Protectorate regarding the repeated legitimate demands of the Indian community for equal proportion of representation on the Legislative Council with the un-official Europeans in spite of the fact that the Indians are numerically more than three times the European population and their vested interests are far greater than the European settlers in the said Protectorate.

(b) This Congress is strongly of opinion that the Uganda Government should recognise holders of degrees from Indian Universities in respect of the legal and medical profession, and the holders of such degrees should be permitted to practice in the said Protectorate.

(c) This Congress strongly condemns the practice of the Railway authorities in disallowing Indians to travel in 1st Class cabins on the steamers in the Lake Kioga and in making invidious distinction even between the Japanese and his Majesty's Indian Subjects in this respect

(d) This Congress is strongly of opinion that the Secretary of State for the Colonies must be asked to take immediate steps to ask the Belgium authori-



ties to remove the unreasonable restrictions at present imposed upon British Indian subjects in the way of demanding extra-ordinary National Passports, certification of character etc., which hinder the free entrance of British Indian subjects into Belgian Congo.

Municipal Franchise

This Congress records their sense of profound indignation at the unnecessary delay in enfranchising Indians on a common electoral basis for the Nairobi Municipal Corporation and requests the Government of Kenya immediately to settle the question of Indian representation on the Municipal Corporation at Nairobi and also authorises the Standing Committee of the Congress and the Indian Association, Nairobi, to take any steps regarding the non-payment of taxes of the Municipal Corporation, Nairobi, in the event of absence of a satisfactory settlement of the Indian Municipal franchise at any time they deem expedient.

The following is the Resolution adopted at Mombasa in 1920.

Whereas from all considerations, geographical, historical, climatic, social and political, and from the ancient connection of India with the Tanganyika Territory, and whereas India is one of the nations that took a prominent part in conquering the said Territory from Germany, and whereas the successful development of the Tanganyika Territory to be handed to Great Britain for administration must necessitate connection of India with this Colony, by means of Indian immigration, Indian capital, trade, industries etc (in fact all the requisites to colonise and develop a country) on a very advanced measure, and whereas in view of the recent policies declared by the Colonial Office in respect of the status of the Indians in the adjacent Kenya Colony and Uganda Protectorate it is necessary to assure public feelings here and in India, to have definite safeguards of the position of Indians in the said Tanganyika Territory;—This Congress is of opinion that there shall be no discrimination against Indians entering into and enjoying full rights of occupation and citizenship in Tanganyika Territory, and further resolves to communicate with the Indian members of the League of Nations to make definite provisions in the mandate about to be given to preserve the full rights referred to above for Indians in the said territory

That, in view of the forthcoming re-adjustment of the vast territory of Tanganyika, formerly known as German East Africa, by extensive sale of properties, moveable and immovable, and its subsequent development by agriculture, colonization, immigration trade and industries this Congress earnestly requests the Imperial Indian Citizenship Association to send a deputation of some leading Indians representing the Indian Merchants' Chamber and Bureau, Mill-Owners Association, the British Indian Colonial Merchants' Association, the Imperial Indian Citizenship Association, Grain Merchants' Association, the Native Piece-Goods Merchants' Association etc, to study the position of this country for Indians at the spot from Indian point of view in all respects, commercial and political, and disseminate first-hand information thus secured for final action in India

That in the opinion of this Congress Clause No 33 with all its six sections pertaining to the deportation of the political offenders in the Order in Council 1920 of the Tanganyika Territory and Clause 4 of Proclamation 7 of 1920 with regard to restriction of undesirable immigrants, do not afford any scope of judicial protection to persons under such suspicion and are undesirable and arbitrary. This Congress therefore urges upon His Majesty's Secretary of State for the Colonies to see to their immediate deletion and amend them in a manner which affords requisite scope for fair judicial trial in a legally constituted Court of Justice.

Indians in the Dominions

Historical Survey

The position of Indians in the Dominions and Crown Colonies has been thoroughly set forth in the previous issues of the *REGISTER*. Below is given a summary account of previous history. Like Kenya amongst the Crown Colonies, it is the South African Dominion that has ever proved and is still a great thorn by the side of India. South Africa has sturdily refused to recognise the Indian claim of equal partnership in the Empire. The trouble began in the Transvaal long before the Boer War and before a British Dominion status was given to South Africa. In 1881 there was no Indian in the Transvaal. From 1884 onwards as Indian traders began to migrate from Natal, the Anti-Asiatic feeling became more and more evident. In the beginning, it was the natural antipathy between the white Dutch and the brown Indian tradesman, based more on racial feeling than on jealousy due to trade. The London Convention of 1884 gave the following privileges to the Indians —

"All persons other than natives, conforming themselves to the laws of the South African Republic:—

(a) will have full liberty, with their families, to enter, travel or reside in any part of the South African Republic,

(b) will be entitled to hire or possess houses, manufactories, ware houses, shops and premises,

(c) may carry on their commerce either in person or by any agents whom they may think fit to employ,

(d) will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic "

A year later, however, a strong agitation was set afoot against the so-called invasion of the Asiatic which resulted in the passing of the first legislative enactment against the Asiatics—Law 3 of 1885. It enacted that "persons belonging to any of the aboriginal races of Asia, including thereunder the so called coolies, Arabs, Malays and Muhammadan subjects of the Turkish Empire

(a) shall not acquire the rights of citizenship in the South African Republic;

(b) shall not be owners of landed property in the Republic ;

(c) shall, as far as those who settle in the Republic with the object of trading, *etc.*, are concerned, have to be inscribed in a register to be specially kept for that purpose by the Landdrosts of the respective districts, according to a model to be prescribed by the Government ;

(d) the Government shall have the right to assign to them special streets, wards and locations for habitation."

This is the first black mark in the differential treatment of the Asiatics and it still remains on the statute book to their eternal disgrace. The reason given for such a legislation was that it was intended to secure the White population from the dirty and insanitary mode of living of the Asiatics. No effort was made to discriminate between the traders and his coolies, between the rich and the poor, between the educated and the ignorant, between the high and low—all being included in the one class of inferior beings. Her Majesty's Government always tried to bring this inequity to the notice of the Republican Government, but it could not but yield eventually on the ground of public health. When the war broke out in 1899 a large number of Indians were freely carrying on business in the several towns of the Republic. The number of Indians estimated at this time was about 17,600. The policy of the Crown Colony, after the war, underwent a sudden change for the worse and followed quite a different principle. There was a fresh inflow of Asiatics from all parts of Africa, and now the struggle became henceforward more economic than sanitary. Trade jealousy prompted by the instinct of self-preservation in the minds of the European bred a sort of hatred of the coloured races. Lord Milner, the Colonial Secretary, further endorsed this sentiment and pressed for more stringent legislation. He remarked: "I think that to attempt to place coloured people on an equality with Whites in South Africa is wholly impracticable and that, moreover, it is in principle wrong." The nature of the change of outlook and opinion can very easily be gauged by a resolution passed in 1904 at the White National Convention, which reads thus:—Resolutions were passed.—

(1) thanking the Government of the Transvaal Colony for the sympathetic attitude they had taken up in regard to the question of the Asiatic trader ;

(2) affirming the principle that Asiatic Immigration should be prohibited except under restrictive legislation ;

(3) urging the removing into bazars of all Asiatic traders ; no further licenses to be issued to Asiatics to trade outside bazars :

(4) affirming the opinion that all Asiatics should be required to reside in bazars or locations appointed by the Government.

Another suggestion of a like nature followed in 1906 when it was proposed that a compulsory registration of all Asiatics should be made and that they should be identified by finger prints. But the legislation was shelved for the time being on account of the near approach of the grant of Responsible Government to Transvaal.

During the first session of the Parliament of Transvaal, ordinances were passed which established an Immigration Department, restricted immigration into the Colony and fixed an educational test which led to the passive resistance movement of Mr. M. K. Gandhi and eventually led to the Gandhi-Smuts agreement of 1914. (See *I. A. R. 1921*). Still all did not go on well and after the Great War the controversy broke out again in 1918, as regards the position of the Asiatics in reference to the holding and trading rights in Transvaal. The Gandhi-Smuts agreement was violated by the Act 37 of 1919, after which the position was as follows :

(1) Indians cannot own fixed property anywhere in the province, either directly or indirectly, *i.e.*, through nominal trustees of limited liability companies, except in such localities as the Government may for sanitary reasons assign to them for purposes of residence.

(2) They can acquire leasehold rights with respect to fixed property.

(3) They can obtain general dealers' licenses to trade anywhere.

That Act while recognising the 'vested' interests of Indian settlers already there, upheld the Transvaal Law 3 of 1885 by which Indians and Asiatics "may not be owners of fixed property." A great agitation arose and Government proposed to appoint a commission "to go into the whole Asiatic question" in the Transvaal. As a result of the Reciprocity resolution accepted by the Imperial Conference in 1918 (see *I. A. R. 1919*) and the pressure of the Indian Secretary of State the Government of India was allowed to send a representative before this commission to put the Indian case. Sir Benjamin Robertson was accordingly sent. The report of this Commission was finally issued in March 1921 and since then the question of repatriation has come to the fore.

Repatriation—Sir Benjamin Robertson was deputed by the Govt. of India to South Africa to urge the Indian claim. He suggested repatriation. On this question the report of the Asiatic Inquiry Commission (see the *1921 Register*) has some very valuable information to give. It says that most of the witnesses examined are emphatic in their denunciation of the Asiatic population on various grounds. In spite of the cessation of immigration they were apprehensive of their eventually dispossessing the White man

throughout the country. The remedy that they suggested was compulsory repatriation. Without expropriation of property and adequate compensation, this was not possible. Fifty millions sterling or more would be necessary for this. But they urged that the step was worth taking. They thought that for patriotic reasons Orange Free State and the Cape Colony would join hands with them and freely give money even though the problem did not affect them. But they saw the futility of the whole thing when they were told that approximately half the Asiatics in Natal and a considerable portion of those in Transvaal were born in South Africa. Others were against this, not on account of the cost, but on account of the injustice. Indians are of opinion that voluntary repatriation is only a stepping stone to compulsory repatriation and should be strongly objected to. Repatriation was the remedy suggested by Mr C. F. Andrews, but since then he has found out his mistake and he admits in his recent book, *Indians in South Africa*, that repatriation is no remedy. The Report of the S. A. Commission and the subsequent steps taken are given in the following pages.

The Indian Question in Natal

It was some sixty years ago that Indians were for the first time introduced into Natal as indentured laborers. Since Natal from the beginning was a Crown Colony, Indians had many more privileges in it than in Transvaal. They enjoyed the same rights as to ownership of land as Europeans. The same Licensing Laws were applicable to them. This was due to the fact that the presence of Indians in Natal was due to the request of the Natal Government to send indentured laborers from India. Since they could not manage without Indian laborers, even after the five years of indenture they were induced to stay behind as free laborers and sometimes grants of lands were made to them instead of free passage back to India. Thus their families grew in number and the children born to them proved to be energetic, well-educated and intelligent. The Indians who were nearly half the whole population and who increased almost 20 per cent in 15 years, from 1876 to 1891 from 10,336 to 30,355, were very much dissatisfied at the distribution of seats in the Legislative Assembly when Natal got Self-Government. In the wake of these laborers had come many a trader, professional man, merchant and clerk. And it was against this class of Indians that the Anti-Asiatic feeling vented itself. It culminated in the passing of enactments of 1896-97. Mr. Escombe, the Prime Minister, in introducing those bills remarked: "Unless an arrestation was put upon the introduc-

tion of immigrants from India, the whole of the special policy of this country would be disturbed. Having regard to the character of the people who were coming into the country it was easy for the whole of the population of this country to be, as it were, submerged by the new arrivals, entailing a competition which was simply impossible as far as Europeans were concerned, whether in trade or agriculture, on account of the different habits of life."

Many Indians held lands and had farms of their own. They had small and big business concerns and held some very substantial and valuable properties in the midst of the towns. There is a steady tendency for land and property gradually to pass into the hands of Indians. A fresh attempt in 1908 by the Natal Government to limit the issue of licenses to Indians met with a strong rebuff from the Imperial Government.

Recently an attempt made by the Natal Provincial Council to pass two ordinances disabling Indians still further was only frustrated by the veto of the Governor-General. One of the ordinances aimed at depriving Indians of their right to elect in Township Boards. The other affected their right to obtain municipal trading licenses. This last, called the Rural Dealers Licensing Ordinance, was again introduced in 1922 in spite of its being vetoed in 1921. Indians have no parliamentary vote, and by the Township Franchise Ordinance, vetoed like the last in 1921 but passed by the Council in 1922 again at the instance of Mr. Hulett, the leader of the Anti-Indian party, the municipal vote is sought to be denied to them. The anti-Indians are moving heaven and earth to enforce repatriation on Indian settlers and even Govt. agents are going about inducing Indians to get out. Indians are now increasingly being badly treated. They have to travel in back seats in Trams and Railways along with Negroes, however respectable or rich they may be, while the uncleanest Whites occupy the front benches. Even the descendants of the old indentured Indians have to obey the old immigration law which did not permit Indians to go out of their houses after 9 P.M. The 'voluntary repatriation' has been so thoroughly canvassed by Govt. agents there that already some Indians have left their home in South Africa for good, but on landing in India they find no Govt. bureau here which was promised by Sir Benjamin Robertson on behalf of the Indian Govt. The position is now this: the Govt. of India helped to supply indentured labour to Natal; under the pressure of public opinion they sent Sir Benjamin Robertson to settle the Indian question; Sir Benjamin 'settled' voluntary repatriation and promised that the Govt. of India would look after the repatriated on their arrival in India by

opening labour bureaux in Calcutta, Bombay and Madras ; and these bureaux are not yet in working order.

On the whole, the attitude of the Indians in Natal is to preserve as many of the rights and privileges which they already possess as possible. In Zululand, there is no bar against Asiatics from holding land. But they cannot reside in it, neither can they trade there. In Orange Free State, there is no Indian problem. The problem in the Cape Colony centres round the possible curtailment of their rights, since they have got both the Parliamentary and Municipal franchise. With Europeans they possess the right to own lands and trade. There is however a strong grievance against the Municipalities which are averse to granting licenses to Asiatics.

Indians in British Columbia

There are about 4,000 Indians settled in British Columbia who are mostly Sikhs. They are for the most part agricultural labourers ; a few also work in factories and railways. Since 1914, the Canadian Government has firmly decided not to allow any fresh British Indian in the western part of Canada. They have tried to secure this, first, by insisting on a through ticket from any country to Canada and by a continuous journey. Every person seeking entry should possess 200 dollars, and finally no artisan, skilled or unskilled labourer, is allowed to come in. The ground stated for all this is that there is lack of employment in British Columbia. The memorable voyage of the *Komagata Maru* and the sequel to it is a case in point showing how rigid was the spirit of exclusion. The grievance of the settlers in British Columbia is that since they were let in without hindrance as soldiers of the Crown, their wives and children should be allowed to join them which the authorities decline. A few cases are known where this has been done. However, except for the general obstruction to entry into Canada, there is no differential treatment and legislation.

Indians in Australia

Australia has been following the policy of shutting its doors on all Asiatics through a Language Test which is as bad as it could be. Indians of high position and standing and Indian students are, however, allowed to enter. These cannot settle there nor can they remain there without permission. The children of a domicile cannot find an entrance. There is a strong tendency "to restrict the rights of the Orientals to exercise trades freely and in other ways to expose them to disabilities." Says James Bryce in his *Modern Democracies* : "There is in Australia an even more general agreement that the continent must be strictly reserved for the White European races,

excluding persons of East Asiatic or South Asiatic or African origin. The watch-word 'a White Australia' is proclaimed by all parties.

The Colonists' Plea

These Dominions maintain that they have got a right to pass any legislation, being free countries, in order that they may protect their citizens, and rightly or wrongly, they are afraid of too intimate an intercourse with Asiatics. Their opposition is partly based on sanitary and economic objections, but some capital is made out of the ethnic objection too. Such an authority as James Bryce writes on this question in the following manner: "Nevertheless there is another side to the matter. Whoever studies the phenomena that attend the contact of Whites with civilised East Asiatics in Pacific, North America.....perceives that there are other grounds, besides the desire of working men to prevent the competition of cheap Asiatic labour, which may justify the conclusion. The admixture of blood, which is sure ultimately to come wherever races, however different, dwell close together, raises grave questions, not only for White men, but for the world at large. Scientific enquiries have not so far warranted the assumption that a mixed race is necessarily superior to the less advanced of the two races whence it springs. It may be inferior to either, or the gain to the less advanced may be slighter than the loss to the more advanced."

The following are the principal grievances and objections which were raised by witnesses to the South African Commission against Asiatic traders:—

- (1) They send their money out of the country instead of spending it where they earn it.
- (2) They are a source of danger to the public health owing to their unclean habits, and require constant supervision to make them conform to sanitary and other bye-laws.
- (3) They depreciate the value of property in their neighbourhood, as well as of the premises which they occupy.
- (4) Their standard of living is inferior to that of Europeans.
- (5) Their standard of trading and methods of business are different to those of Europeans in the following respects:
 - (a) They use inferior buildings as shop premises and pay less rent for them;
 - (b) the owner of the business and his shop assistants all usually reside on the premises;
 - (c) they defraud their creditors by fraudulent insolvency more frequently than Europeans;
 - (d) they pay lower wages to their assistants than

Europeans; (e) they evade the laws regulating hours of trading; (f) they habitually give short weight and adulterated foodstuffs; (g) they thus succeed in underselling European traders.

(6) They carry on business which should be carried on by Europeans and close avenues of employment which should be open to Europeans.

(7) They produce nothing in the Transvaal and do not consume the produce of the country but import their requirements from India.

(8) They form "rings" to keep out European competitors.

(9) Their presence has a bad influence on the natives, who are jealous of the rights and privileges enjoyed by them, as coloured people.

(10) Their religion, language, color, mode of thought, ideals, manner and customs are entirely different to those of Europeans; they cannot be assimilated and their presence is a menace to European supremacy.

(11) They are generally immoral and debauch the natives by inciting them to theft and by readily receiving stolen property.

(12) They become too familiar with Europeans, especially females, in the conduct of their business and thus destroy the respect of the natives for Europeans.

The claims of Asiatics

The Indians likewise have a just cause for complaint both against the Colonist and the Mother Country, England. Constant insults hurled at them, the ban of almost untouchability fixed on them, the humiliation and degradation of being a subject race, all these have contributed to inflame their spirit and have made them very bold in their demands. These have been summed up briefly in the Report referred to above. The Commission has mostly repudiated the allegations of the Whites as utterly unfounded.

The first and foremost grievance advanced by Indians in Transvaal is that, though British born subjects, they are excluded from civic and other rights and privileges which are freely accorded to aliens, who are permitted to own land and enjoy full and unfettered rights of trading anywhere in the Province. Many of these aliens, they allege, are men of the lowest type who have emigrated in the country from the slums of Eastern and South-Eastern Europe. They maintain, therefore, that being British subjects they are entitled to claim at least the same rights as these aliens. They particularly resent the Law 3 of 1885 which is the parent of all restrictive and co-ercionist legislation.

Report of the South African Asiatic Enquiry Committee

This Commission was appointed to inquire into the provisions of the law affecting :

(a) The acquisition of land and rights affecting land in the Union by the Asiatics and persons of Asiatic descent for trading and other purposes ;

(b) The trading or carrying on of business by such persons generally, or in specified localities ;

And further to report whether it was in the public interest to alter the law in any respect and to make recommendations with respect to any difficulties and grievances which have arisen in regard to matters (a) and (b).

The report of the Commission covers 68 foolscap pages, and reviews the whole question. The extracts given below are from that part of the report which explains the general conclusions of the Commission and gives its views and recommendations.

Details of Recommendations

197. The fear which General Smuts referred to at the London Conference of 1917, as having formerly obsessed the minds of many of the European inhabitants of the Transvaal, has not been removed by the passing of the Immigrants Regulation Act of 1913. A great many witnesses before the Commission insisted that there is still a large and continual influx of Asiatics into the country, in spite of that Act. Some of their assertions were of a most extravagant character and were generally based on hearsay ; they were probably due to reports spread around the country districts by interested or irresponsible propagandists. But the impression was not confined to witnesses from the smaller town and country districts, whose views might be influenced by the migration of Indian Traders or hawkers from one town to another. Similar apprehensions appeared to be entertained by witnesses from the larger centres ; and even Counsel for the South African League rejected the assurances given upon the subject by the officials of the immigration Department, and expressed his conviction that there have been frequent evasions of the laws restricting immigration.

We are, however, as previously stated, satisfied that there are no substantial grounds for those apprehensions, and that, if there is any leakage at all at the present time into the Transvaal, it is entirely negligible.

We deem it most important that the public mind should be disabused of that obsession, for it undoubtedly lies at the root of a great deal of the alarm about the "Asiatic menace."

Ownership of Land

198. The Commission recommend that Law 3 of 1885 (Transvaal) which prohibits the ownership of land by Asiatics, except in certain special places set apart for them, should remain in force.

Sir Benjamin Robertson informed the Commission that neither the Imperial Government nor the Government of India is now prepared to press for the repeal of that Law, although it was asked for at the London Conference of 1918. The difficulty of amending Law 3 of 1885 or the Gold Law of the Transvaal in the present state of public opinion is recognised, especially as it would be a reversal of the decision of Parliament, as expressed in Act No. 37 of 1919, which in our opinion, should also remain in force.

1. If our recommendations as to the establishment of separate areas in every town for Asiatics, both for residential and trading purposes, are carried out, they would have the right to own fixed property in such areas and any substantial hardship entailed by the retention of Law 3 of 1885 would thus be removed.

199. As regards Natal, it has been suggested that no great hardship would be suffered if the rights of Asiatics to acquire land were restricted to the Coast Belt—extending from, say, twenty to thirty miles inland.

It is admitted that while Indians are very successful as agriculturists along the coast belt, where the climate and system of agriculture are best suited to them, they are not adapted to ordinary up-country farming, which comparatively few of them have hitherto attempted; and their exclusion as landowners from the uplands would go a long way towards allaying the strong feeling upon the subject which exists amongst the farming population of the inland districts.

In the circumstances, we would recommend that such a restriction should be provided for by legislation. It must, however, be confined to ownership of land for farming or agricultural purposes, outside of the townships. The chief difficulty would be the getting of land in the coast belt either in freehold or leasehold on reasonable terms.

If such a provision is made, Indian agriculturists who are not in a position to purchase properties should be granted facilities for acquiring long leases of land instead of having to be content with short leases as at present. It has been found that as soon as the Indian holder of a lease on short notice has improved the waste land, the European landlord steps in and drives the Indian further afield by giving him notice to quit.

Allocation of Separate Areas.

200. In dealing with the remedies suggested in the Transvaal for the removal of the grievances arising out of Asiatic trading, we have (in paragraphs 120 to 131) fully discussed the question of segregation, and given the outlines of our proposals concerning that vital matter. It is unnecessary to repeat them here, but we would strongly recommend that some system of separate areas, based on the lines of those suggestions, should be introduced both in the Transvaal and Natal.

It is fully recognised that its introduction will not have the effect of ridding European traders of Asiatic competition. That object cannot be attained unless trading by Asiatics is either absolutely prohibited or relegated to locations outside the towns, where it would practically be restricted to dealing with members of their own race. And for reasons before mentioned, we are unable to recommend either of those courses. It is deemed essential that the Asiatic quarter for trading purposes should be located within the town, and with due regard to the situation of existing businesses. But such a scheme will, at any rate, tend to ensure the removal of Asiatics from the immediate vicinity of European traders. And the social grievance arising from contiguity of Asiatic residences with those of Europeans will also be obviated.

In order to avoid any possible suspicion that trade rivalry might in some instances influence the selection of those areas, it would be advisable that their allocation, for both trading and residential purposes, should be entrusted to special boards consisting of three or more members appointed for this purpose by the Administrator of the Province. They might include the Magistrate of the District, the Surveyor-General and other persons, not necessarily local residents, of reliable and independent judgment.

These Boards should, however, act in close consultation with Municipal Authorities, as well as with the leaders of the Asiatic community.

No steps should be taken for the allocation of such separate areas in any town, except upon the special request of the Municipal Council or other local authority.

Little difficulty in Natal

202. There should be little difficulty in introducing such a system in Natal, at any rate as far as trading is concerned; for in some towns of that Province it has already been adopted to some extent. We gathered from the evidence of the Licensing Officer of the Pietermaritzburg Municipality and other witnesses that in that city there is a special area, known as the Indian quarter, for which applications for new licences by Indians are granted without any question: whereas they are withheld from localities which are regarded as European districts of the town. In Durban also the policy of the local Licensing Officer has always been to confine Asiatic trading to particular sections of the town as far as possible.

The Commission received very useful evidence upon this point at Maritzburg from Mr. F. A. Hathorn, an old resident, who had evidently given much thought to the question, and had tendered similar evidence in 1885 before the Wragg Commission. He deprecated the action of Natal Municipalities in trying to achieve the impossible by kicking against the law and "endeavouring to discriminate between the Asiatic and the European, with the result that they find themselves to day no nearer solution than before."

The solution, in his opinion lies in equal justice to all and he strongly advocated that Municipal Corporations should have powers to include in their Bye-laws regulations as to European, Asiatic, Coloured and Native quarters, and particularly for the regulating of trading licences in such quarters.

203. Complaints were laid before the Commission by residents of Malvern, Sydenham and other suburbs of Durban, regarding the large number of small tenements occupied by Indians which are scattered about in the midst of valuable European properties in those localities. They consist generally of unsightly and insanitary hovels occupied by Indians of the lowest type. The dwelling often stands in a small plot of ground on which vegetables are grown. Unfortunately, they are situated beyond the limits of the Durban Municipality; and the sanitary supervision of the locality is in the hands of a District Inspector, in the service of the Government who pays it only periodical visits.

What is evidently urgently needed is the creation of an efficient local authority to deal with the insanitary conditions complained of.

Alteration of Licensing Laws.

204. In paragraphs 132 to 141 of this Report we have set out in detail those provisions of the respective Licensing Laws of the four provinces of the Union which are relevant to our enquiry.

If the recommendations of the Commission are to be effectually carried out, and some of the legitimate grievances of the Indian community removed, it will be necessary to make material alteration in the Licensing Laws of the Cape Transvaal and Natal Provinces. We have already shown that the Orange Free State Province is not directly concerned in the Asiatic problem; nor can it reasonably be expected that, that Province would readily assent to a radical alteration of its legislative measures, which are said to have given general satisfaction. On the other hand, there can be no doubt that a uniform licence law throughout the Union would be of great advantage. If this cannot be achieved, then as regards the other three provinces, where Asiatic traders are found in considerable numbers, we are of opinion that their respective laws relating to the issue of trade licences should be assimilated in a comprehensive consolidating Act of Parliament. In as much as the state of licensed premises, and the suitability of certain classes of trade or business to particular localities, fall peculiarly within the province of Municipalities responsible for the sanitary condition and good government of the town, the local authority should likewise be charged with the granting of trading licences.

205. With that end in view we would recommend as follows:—

(1) The granting of all licences, or of certificates authorising their issue by a Receiver of Revenue, should in the towns and villages be entrusted to the local authorities exercising municipal functions, with the right, however, to delegate their powers to a Committee and (or) a licensing officer against whose decisions an appeal should lie to the delegating body ;

(2) for localities outside the limits of those municipal bodies, to Divisional Councils in the Cape Province, but in those provinces where no such Councils exist to special licensing officers appointed for the several districts of those provinces by the Administrator ;

(3) renewals of existing licences should be granted as a matter of course, subject to No. 9 thereof ;

(4) the various grounds upon which an application for a new licence to trade can be refused by the licensing body or officer should be specified in the Act or Ordinance ;

(5) the grounds embodied in the Transvaal Ordinance No. 9 of 1912 might be followed as a basis ; but it should be made clear that the licensing body or officer has the right to refuse such application on any of the following grounds :—

(a) that the premises in respect of which the licence is applied for are not suitable ;

(b) that the class of business proposed to be carried on in them is not suited to the locality applied for ,

(b) that the applicant is not a fit and proper person to hold such a licence or carry on such business ;

(6) the reasons for the refusal of any licence or certificate should be recorded, together with any evidence that may have been given for or against the application ;

(7) there should be no appeal from any decision of such Licensing body or officer on grounds 5 (a) and 5 (b) ; but

(8) on ground 5 (d), referring to objections to the applicant personally, there should be a final appeal from all licensing authorities to a special Appeal Board, consisting of three persons of independent judgment appointed by the Administrator of the Province.

(9) Renewals should be refused by the issuer of licences if he receives notice from the licensing authority that the original certificate for its issue has been cancelled or withdrawn on any of the following grounds :

(a) that the premises have become unsuitable ;

(b) that the business is unsuitable for the locality ;

(c) that the business has been conducted in an improper and unsatisfactory manner ,

(d) that the holder is prohibited immigrant ,

(e) that the holder is no longer bonafide interested in the licence.

(10) Objections to renewals may be lodged with the licensing authority by any member of the public, as well as by the police or health officers ; but before any decision is arrived at, notice of such objections should be given to the license-holder, who must be granted an opportunity of submitting evidence to refute them.

(11) Transfer of a licence to another person or to other premises should be granted as a matter of course ; unless the proposed transferee is objected to as not being a fit and proper person to hold the licence or the new premises are considered unsuitable or are situated in a locality for which the particular business is deemed not to be suited.

(12) There should be an appeal to the Appeal Board against decisions under (9) and (10) and that portion of (11) which relates to objections personal to the licence-holder

(13) Except with the consent of the licensing authority an applicant for a new licence which has been refused should not be allowed to make another application for a licence for the same premises until the expiration of twelve months from the original application.

(14) In case of the death of the licence-holder, his widow or the legal representative of his estate, and in the case of his insol-

veney, or the assignment of his estate, the trustee or assignee, should be allowed to carry on the business under the same licence, and to renew it, on its expiration, for one year, without obtaining any certificate which may otherwise be required.

(15) Municipal bodies should have the right to prohibit the licence-holder, his servants or any other person from residing in any shop, store or other place of business.

(16) The applicant for a new licence to trade (except hawkers' licences) should, before obtaining the licence, satisfy the Licensing Body or Officer that he can read and write in one or other of the official languages.

Reasons for Refusal

206. Notwithstanding the objections of some of the witnesses representing Municipalities, we are strongly of opinion that Licensing Authorities should be bound to give their reasons for the refusal of a licence on grounds which are personal to the applicant, and that there should be an appeal from their decision to some independent tribunal. That appears to be absolutely necessary, in order to obviate the course adopted by some Municipal Councils of refusing licences to Asiatics on the sole ground of their nationality.

At the same time, we do not recommend that there should be an appeal from a decision on the two other main grounds, relating to the condition of the premises and the suitability of the business to the particular locality, for those are matters regarding which Municipal bodies, as representatives of the public, acting on the advice of their Health Officers and other Officials, would be the best judges.

207. The constitution of the Appeal Board recommended is based on that of the existing board in Natal, which consists of a retired Judge of the Supreme Court, an ex Attorney-General and an ex-Magistrate.

It has been in existence since 1916 and has given general satisfaction.

It would probably be found sufficient to appoint one such Appeal Board for each province, with its headquarters at the capital, although in the Cape it may be desirable to have a second board at Graham's town for the Eastern districts.

There should be no difficulty in finding for that purpose suitable men of independent character and with judicial experience amongst the retired Magistrates and other Government Officials who are generally found resident at those centres.

The duties of such a board are not likely to be heavy, as the appeals would not be very numerous. The mere fact that a right of appeal exists, coupled with the obligation to give reasons for

their decision, would suffice to ensure caution on the part of Licensing Authorities.

It is, moreover, obvious that, in places where the system of separate trading areas which we have recommended is adopted, the difficulties connected with the administration of the Licensing laws, so far as Asiatics are concerned, will eventually be greatly diminished, if they do not entirely disappear.

The Final Decision

208. We do not recommend any further appeal from the decisions of the appeal Boards, which should be regarded as final. But it may be found necessary in Natal to retain the provision in Act No 22 of 1909, that in cases where the renewal of an existing licence is refused, the appeal shall be taken to the Supreme Court. That provision having been inserted in the Act under a special agreement between the Natal Government and the Government of India, it could presumably not be repealed without the assent of the latter Government. As, however, there would now be an appeal to an independent Board from the decisions of all Licensing authorities in Natal, both within and outside the Municipalities, it is not anticipated that there will be any difficulty in obtaining such assent; especially as the cases in which renewals are refused would be comparatively few in number.

209. The suggested provision, that Municipalities should have the right to prohibit licence-holders or other persons from residing in any place of business is regarded by the Commission as most important. Our inspection of premises occupied by Asiatics at various places convinced us of the absolute necessity for such a provision. It would prevent overcrowding and greatly improve the sanitary conditions of the business places of Asiatics, thus removing some of the most serious grievances urged against them. It would also tend to raise the standard of living of the Asiatic.

210. The recommendation that in future no new licence to trade should be issued, unless the applicant is able to read and write in one of the official languages, would like all other provisions of the Licensing laws apply to Europeans as well as Asiatics, and coloured persons generally. It cannot be regarded as unreasonable that a trader, whatever his nationality, (unless he is merely a hawker or pedlar) should submit to such an elementary education test.

As far as Asiatics are concerned, a large proportion of future applications for New licences would probably be made by South African-born Indians who have received a certain amount of education.

212. In certain ~~cases~~ representations were made that, in order to prevent to some extent the underselling of European traders by Asiatics, a minimum wages for assistants should be enforced and legislation introduced for the purpose. In the course of a lengthy statement submitted to us by the Transvaal British Indian Association, they say, "if the complaint of unfair competition be sincere and thought to be at all deserved, our community is prepared to recommend and conform to legislation regulating the principle of minimum profit and wages on an equitable basis for all ranks of labour."

Apart from other important considerations, compulsion of this kind could be easily evaded if there is a common desire on the part of employees and employers to do so. European witnesses were clearly of opinion that collusion of this nature would be general in the case of Asiatics, particularly owing to the custom prevailing amongst Indian traders of including board and lodging in the remuneration of their employees. Again, any system of minimum wages would leave untouched the large number of small Indian traders who carry on business either alone or with the assistance of their families.

The purpose of the proposal is obviously not to ensure that the Asiatic employee be paid living wages, but that he be paid not less than European assistants. It is a frank call for the protection of the European with his higher standard of living against the Asiatic. The subject bristles with difficulties and opens up questions of high policy, for, if the proposal be sound in regard to store assistants, there is clearly no reason why it should not be extended to other occupations, where natives and others are either actual or potential competitors with Europeans.

The object of a minimum wages is to ensure that the wage-earners are paid sufficient to enable them to live in decency and reasonable comfort and in circumstances that will make them good citizens. It is not infrequently advocated with a view to preserving certain occupations for Europeans. To fix a minimum wages, with the European standard of living only in view, is in effect to exclude from employment other classes with a lower state of efficiency and earning capacity. Minimum wage scales, to be just to all classes and to give effect to their primary object, should therefore be adjusted with due regard to the economic requirements of each of

these classes and to their earning capacity. A minimum wage based on the needs of the highest types employed must lead either to the unemployment or to the extravagant pay of people not approaching that standard. The considerations run counter to the idea underlying the proposal put forward by the European traders, and sufficiently explain why we refrain from making any recommendation on a subject which has ramifications far beyond the Asiatic question.

Allegations against Asiatics

217. A great many allegations of a general character were made as to the dishonest habits of Asiatic traders; they were accused of habitually evading the laws relating to the sale of foodstuffs, giving short weight, and so on and they were said to be adepts at defrauding their creditors, and contravening the provisions of the Insolvency laws.

No comparative statistics of convictions for any of the above offences were produced in support of those allegations, and there was an extraordinary conflict of evidence upon the question. A great many European witnesses of repute testified to the honesty and fair dealing of Indian traders, and a considerable number of well known wholesale merchants described them as thoroughly reliable men to deal with. In fact, complaints were made by European retail traders that Asiatics have an advantage over them, in being able to secure better terms from wholesale merchants.

Statistics regarding insolvency

The only statistics regarding insolvency were furnished by the Licensing Officer for Natal, which gave particulars of 900 insolvent estates in that province between 1909 and 1919 (612 Europeans and 288 Asiatics), including 56 Europeans and 156 Asiatic storekeepers. He gave the totals of the assets and liabilities in the 900 estates, from which it appeared that the assets, in proportion to the liabilities, were larger in the estates of Asiatics than in those of Europeans.

If the allegations referred to are correct, the only remedy for the grievances arising from such dishonest practices would seem to be greater vigilance on the part of the authorities in prosecuting offenders.

218. There is more substance in the complaint that the presence of an Asiatic depreciates the value of property in his

neighbourhood : although even as to that there was some conflict of evidence amongst European witnesses. But there can be little doubt that as a rule it has that effect ; though probably more in the residential than in the trading areas, owing to the strong prejudice prevailing amongst Europeans in this country against living in the immediate vicinity of any of the coloured races

But, although we heard of a few Indians of a superior class occupying houses on the Berea at Durban, the evidence shows that the general tendency is for Indians of the same social standing to live in the same quarter. As Mr Renaud pointed out in his evidence previously quoted, they prefer residing amongst their countrymen of the same class as themselves, instead of amongst Europeans who regard them as helots. And if the arrangements which we have recommended as to allocating attractive residential sites for different classes of Asiatics, and concentrating their trading premises, can be carried out successfully, there should be little cause for such complaints in the future

Prohibited Immigrants

219. More active steps should be taken to deal with prohibited immigrants who are successful in evading Immigration Officers. At the ports of the Union their detection is comparatively easy ; but they generally land at some Portuguese port on the East Coast, and pass surreptitiously through the Transvaal into the Cape Province and Natal ; although they do not risk remaining in Transvaal territory owing to the system of registration which prevails there.

The question of introducing compulsory registration in the Cape Province was mooted at the sittings of the Commission at Cape Town, but the Indian community strongly objected to the proposal, unless it were made to apply to all races without discrimination.

In our opinion, however, illicit immigration could be reduced to a minimum, even in Natal and the Cape, without registration of Asiatics, by a stricter and more drastic administration of the Immigration Acts. For that purpose it will be necessary to involve more assistance from the Police and Railway officials, and to increase the staffs of the principal Immigration Officers.

220. In the Transvaal the senior Police Officer in each town is appointed an Immigration Officer, he receives strict written instructions specifying his duties in connection with Asiatics, and as

opportunities arise an official from the immigration office visits the towns. On these visits the Police officials are instructed as to their functions and powers in connection with prohibited immigrants. The other two Principal Immigration Officers, at Cape Town and Durban, are to pressed with work in connection with European and other immigration at the ports that with their present staffs these special steps cannot be taken.

Sub-section (1), Section eight of Act 22 of 1913 provides that no prohibited immigrant shall be entitled to obtain a licence to carry on any trade or calling in the Union or (as the case may be) in any province wherein his "residence is unlawful or, to acquire therein any interest in land, whether leasehold or freehold, or in any other immovable property."

In the Transvaal measures are taken to obtain from all trade-licensing authorities a copy of every application form made by an Asiatic for a trade licence, and we were informed that the examination of these licence forms provided a very efficient check on illicit immigration.

Similar steps should be taken in Natal and the Cape, and in all of the provinces the Registrar of Deeds should, before passing transfer, ascertain from the Immigration Department whether purchasers of land are prohibited immigrants.

In One Official's Hands

222. We would recommend that the administration of the Asiatic policy of the Union Government should be placed in the hands of one official under whose charge would come all administrative functions, together with the official records relating to Asiatics. This officer should also be entrusted with the duty of securing full statistics regarding Asiatics in the Union and of the arrivals in and departures from South Africa. Details of all applications for trade licences, and transactions in connection with the purchase of land and property made by Asiatics throughout the Union, should be sent to him in order to ensure the enforcement of the provisions of Section eight of Act 22 of 1913, above set out.

On the other hand, he should keep in close touch with the various sections of the Indian community, see that the laws are applied in a just manner, give a ready ear to any complaints or grievances, and generally safeguard their interests.

223. We would suggest that in order to remove the doubts, as to the effectual prevention of illicit entry into the Union by Asiatics, which are apparently entertained by a considerable section of the public, the various provisions of the Immigrants Regulation Act should be rigidly enforced, and that the discretionary powers conferred upon the Minister by the Act should in future be sparingly used.

In the Transvaal, the evidence and statistics which have been summarised in this report should go far to remove the misconception and allay the ill-founded alarm prevailing amongst some sections of the community regarding the "Asiatic menace."

It seems inconceivable that, in the circumstances mentioned, the few thousands of Asiatics in that Province and their descendants should ever succeed in swamping the European population, as has been so frequently and emphatically asserted.

We find ourselves wholly unable to support the policy of repression which was advocated by some of the witnesses. Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity, would degrade the Asiatic and react upon the European.

Recommendations Summarised

225 The following is a summary of the various recommendations which appear throughout this report:—

(1) Law 3 of 1885 (Transvaal), the Gold Law of the Transvaal (Act No. 35 of 1908) and Act No. 37 of 1919 should not be repealed (paragraph 198)

(2) There should be no compulsory repatriation of Asiatics (paragraph 118); but,

(3) Voluntary repatriation should be encouraged as outlined in our interim report submitted in May 1920 (paragraph 119).

(4) There should be no compulsory segregation of Asiatics; but,

(5) A system of voluntary separation should be introduced under which Municipalities should have the right, subject to certain conditions :—

(a) to lay out residential areas for Asiatics

(b) to set aside certain streets or portions of the town for Asiatic traders, to which existing license-holders should gradually be attracted

(6) These areas should be selected and allocated by a board of independent persons in consultation with the Municipal Council and Asiatic community (paragraphs 120 to 131 and 200-201).

(7) In Natal the right of Asiatics to acquire and own land for farming or agricultural purposes, outside townships, should be confined to the coast belt, say, 20 to 30 miles inland (paragraph 199).

(8) Law 3 of 1885 (Transvaal) should remain applicable to the Vryheid, Utrecht and Paulpietersburg districts of Natal (paragraph 178).

(9) The existing laws relating to Asiatics in Zululand and the Tanskeian Territories should remain unaltered (paragraphs 179 and 189).

(10) An uniform "License Law" applicable to all the Provinces of the Union should, if possible, be enacted. If that is impracticable, the laws relating to the issue of Trade License in the Cape Province, the Transvaal and Natal should be assimilated in a comprehensive consolidating Act of Parliament, providing *inter alia* .—

(a) That the granting of all licenses to trade (not being liquor licenses) shall be entrusted to Municipal bodies within the area of their jurisdiction, outside those areas, to Divisional Councils in the Cape Province, and in the other Provinces to special Licensing Officers appointed by the Administrator.

(b) The grounds upon which an application for the grant of a new license may be refused.

(c) That the reasons for the refusal to grant any license shall be recorded, together with any evidence tendered for or against the application.

(d) That, in the case of the refusal of a license on the ground that the applicant is not a fit and proper person to hold the same or

to carry on the proposed business, there shall be a final appeal to a Special Appeal Board, appointed by the Administrator.

(e) That Municipal bodies shall have the right to prohibit the license-holder, or any other person, from residing in any shop, store or other place of business (paragraphs 204 to 211).

(11) There should be no relaxation in the enforcement of the Immigration Laws, and more active steps should be taken to deal with prohibited immigrants who have evaded the provisions of those laws (paragraphs 219 to 223).

(12) The administration of the Asiatic policy of the Government should be placed in the hands of one official with duties as set out in paragraph 223.

Mr. Baxter's Reservation

Appended to the report is Mr. Duncan Baxter's reservation. Mr. Baxter says —

I dissent from the recommendation contained in paragraph 199 of this report, *viz*, that the right of Asiatics to acquire land in Natal for farming and agricultural purposes should be restricted to the coast belt. It seems to me a retrograde proposal inconsistent with other recommendations in the report which are founded on the idea of voluntary separation and not compulsory. It is also a restriction of the existing rights of ownership, and in the case of ex-indentured Indians and their descendants, a breach of the conditions of recruitment, which I think should be scrupulously adhered to in the interests of good feeling and the sense of fair play, so necessary in our relations with the Indians in South Africa and the Government of India.

With a policy of attracting Indians to the coast belt by good treatment and security of tenure, I am in agreement. I go further and believe that it would be an act of wisdom on the part of the Government to acquire land in that part of Natal and lease it on

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favourable terms to Indians. The climate and agriculture of the coast belt are admittedly those best suited to Indian enterprise, and if such a policy were effectively carried out, it would not only be to the advantage of the Indian cultivators and the consuming public, but it would tend also to relieve the fear of an Indian "invasion" held by European farmers in the uplands of Natal.

Indians in South Africa

The publication of the report in March 1921 led to further trouble. The anti Asiatic party were in a frenzy as the report clearly stated that their apprehensions regarding the 'Asiatic menace' was very much exaggerated, and because the Committee definitely decided against both compulsory segregation and compulsory repatriation. The case of the Indians however were far from improved; not one of their numerous galling disabilities were removed, while one was proposed to be added to the already heavy lot, viz the restriction of the right of Indians to own land for agricultural purposes in Natal to a belt of coast land alone.

The Commissions report was laid before the South African Parliament in March 1921 but for sometime Government did not declare their intention regarding it.

The Discussion in Parliament

On May 3rd 1921 the House of Assembly discussed a motion by a Natal Member requesting Government in drafting legislation, as a result of the report of the Asiatic Commission, to consider the advisability of embodying the provisions which (as would appear to be feasible in view of Section 147 of the South Africa Act) would allocate to the Asiatic community separate and urban quarters where they might develop in accordance with their own differing needs and standards of civilisation, due regard being had in such legislation to the interests of the present and future European and Native population of South Africa. The debate lasted all afternoon and eventually adjourned until May 12th. Mr. Marwick, mover, and other Natal Members, emphasised how Indians were ousting Europeans. Mr. Marwick quoted a recent resolution of the Imperial Conference recognising that the function of the Dominion Governments should give them complete control of their own populations. The speakers favoured segregation or repatriation of Indians. Those supporting repatriation were in general in favour of compensation. There was a general desire that prompt action should be taken in the matter. The suggestion that the views of the Indian Govt. should be disregarded was vigorously opposed by Mr. Merriman who pointed out that they were members of the League of Nations, of which India was a partner, and emphasised that they should be careful not to boast as they did in that House about flouting Indian opinion.

Mr. Duncan, Minister of Interior, declared that in view of the seriousness of the far reaching effects of this question, Government were unable to bring in legislation that session. It was a question in which they must look outside South Africa. Those who hurried in the matter made little speed. It was not merely a conflict of races, but a conflict of civilisations. He pointed out how other eastern countries were waking up as India did, and gradually achieving a state of self Government. He declared that if India were no member of the British Empire, she would be a far greater menace to them. Proceeding, the Minister said that outside Natal the position as regards Indians was not very serious. The numbers of the Indian population in Transvaal were not increasing seriously, if at all, but the position of the white population in Natal was very serious, there being 135,000 Asiatics and 12,000 Europeans. Mr. Duncan deprecated the Natal Members' remarks regarding the Indian Government, declaring that when the Indian Government tried to stop immigration into South Africa, the Natal Government had expressly asked that it should be allowed to continue.

Mr. Duncan added that never had South Africa's wishes in the matter been thwarted either by the Indian or Imperial Governments. Indians had come to Natal for the purposes of the people of Natal and they had never been thrust upon them. Mr. Duncan said that at that juncture it was impossible to go on with legislation, but he hoped to go into the matter during the recess. Members realised that a policy of compulsory repatriation, or expulsion was impracticable, but on the question of voluntary repatriation, he felt that Government's policy had been misrepresented. Government's instructions were that a system of voluntary repatriation should be prosecuted as vigorously as possible. With regard to the question of Indians taking gold ornaments, a regulation was being prepared allowing Indians to take all their personal ornaments, so long as the regulation was not used for the purpose of smuggling gold away. Mr. Duncan mentioned that since July, 1920, 1400 Indians had thus left the country. The interests of the country demanded that voluntary repatriation should be prosecuted because after all the expense of sending them away was far less than keeping them there. Referring to the question of segregation, Mr. Duncan said, there was no doubt that the living together in town of Indians and Whites was detrimental to both. He would look into the matter and see if some scheme of separation could not be devised. Of course in a matter of this kind co operation of Municipalities was essential. One could not expect Indians, many of whom had led decent respectable lives, to go and live in some of the locations provided

in the towns. If places were provided which were attractive to Indians, a great deal could be achieved. Mr. Duncan promised to give all recommendations of the Asiatic Commission his most serious consideration. He was also prepared to accept Mr. Marwick's motion. The question was, were they prepared to give these people a home to live in and were they going to give them land to cultivate? They must make up their minds, if a policy of segregation was decided upon, they were not going to say immediately to Indians that the land was too good for them. Replying to an interjection, Mr. Duncan said that questions regarding Indians in South Africa would be settled by that Parliament alone which was the sole arbiter but perhaps not in the way the interjector wanted. The question was not merely South African; it brought them at once into touch with outside countries.

Government Campaign on Repatriation

The campaign of repatriation started by the Europeans soon assumed an intensive form and even Govt. agents were engaged in disseminating the most fantastically glowing account of conditions in India that await the men who were urged to go. The following is an extract from a pamphlet issued by the South African Government in this connection.

1. The Union Government have decided to repatriate any Indians who may desire to return to India. All expenses will be paid by Government for each Indian to his home or destination in India.

2. Every adult Indian will be allowed to take away with him or her, gold or jewellery, or both, up to the value of £25. Every family will be allowed to take up to £50. Any sum of money exceeding these amounts will be sent by draft and will be paid to the owner upon his arrival in India.

3. Every Indian accepting Government's offer and who leaves the country at Government's expense will renounce all rights to re-entry in terms of the Indian Relief Act of 1914.

4. The Indian Government are making arrangements to receive Indians returning to India, and finding them employment. Labour Depots are being opened at Bombay, Calcutta and Madras.

5. Food is plentiful in India; the crops have been very good. brown rice is Rs. 24 per sack of 165 lbs. Brown rice has not been obtainable in South Africa for more than two years.

6. The Government have no desire to induce any Indian to leave his or her present employment, but Indians desiring to return to India can do so by making application to the Repatriation Commissioner. Indians under contracts or indenture must complete their contract of service before leaving South Africa.

This campaign soon became a scandal, for the South African Indian who had acquired a domicile there and was living there permanently as a native of the soil was induced to sell up his home and land and leave all on promise of good prospect awaiting him in India. Thousands of repatriated Indians were thus made homeless and their subsequent life in India, roving from place to place trying to secure employment and not getting the slightest help from the Indian Government, became pitiable in the extreme.

The Deputation to the Viceroy

The whole position of South African Indians was placed before the Viceroy of India by a strong deputation led by Sir Jamseljee Jeejeebhoy on the 22nd March 1922. The deputation consisted of members of the Council of State, the Legislative Assembly, the Imperial Indian Citizenship Association, the Transvaal British Indian Association and the Natal Indian Congress. In urging the Govt. of India to make a strong representation to the Union Govt. of South Africa on the question of Indians' rights, the deputationists said:—

The Deputation's Statement

As the Government of India has now been empowered to communicate directly with the South African Union Govt., we wish to place before Your Excellency certain facts regarding the present Indian situation in South Africa, which will give you a clear idea of the true state of affairs there, and will enable Your Excellency to represent the case of the Indians in South Africa to the Union Government. In the Cape Province of South Africa, the Indians are with very minor exceptions treated well. They have both the political and the municipal franchise and have also the right to own immoveable property, as well as to acquire land and to reside wherever they desire. The Indian community therefore in the Cape Province is contented and no grievances are brought up against it by Europeans. If the Indians can live in peace and contentment with sister communities in the Cape Province, there is no reason why they cannot live equally in peace and contentment elsewhere. In Natal the situation is not so good, there was no actual segregation till now, and Indians have the full rights of ownership of immoveable property and of acquisition of land. They enjoy the municipal franchise though no Indian has yet been elected to the Municipal Board. There is, however, no political franchise and as a direct consequence of the political disabilities imposed on Indians, Europeans in Natal have continually attempted to impose a racial restriction on them which the Indians have been helpless to prevent. This discrimination against Indians has become increasingly

aggressive. In the matter of trading licenses and in municipal by-laws racial differentiation has been introduced. In matter of public conveyance also restrictions of a racial character have touched the life of the Indian community at every turn and have thus created distinctions between man and man where no such distinction should exist. The recent Asiatic Enquiry Commission appointed by the South African Union Government puts forth the case of the Indians in a fair manner and finds that the complaints made against them by a section of the European community are not of a substantial character. It is to be regretted, however, that in spite of this finding the Commission made no recommendations for the removal of these obnoxious racial distinctions, and has actually proposed that the existing rights of Indians to acquire agricultural land should be confined to the narrow coast-belt of Natal and that all the highland area should be reserved for Europeans. The Commission also has proposed that what it calls voluntary segregation should be practised in the commercial and residential areas. The Commission's proposals are of a retrograde nature and are calculated to place the Indian community in a position of still further inferiority and degradation. There are also grave grounds for fearing that Indians may soon be deprived of the municipal franchise. The Indians came to Natal by direct invitation and encouragement from the Natal Government. They came under the guarantee of fair treatment and also with the undertaking on the part of the Natal Government to afford them the rights of acquiring land, holding property, etc., as soon as their period of indentured labour was over. It would be no exaggeration to say that Indian labour has largely made Natal what it is to day—the garden colony of South Africa. Large numbers of Indians have been born in the country and some can trace back their Natal-born ancestors for three and four generations. The proposal to take away the right of acquiring as given under the original contract of indenture is tantamount to a breach of faith, and in our opinion calls for an emphatic protest on the part of Your Excellency's Government.

In Transvaal the Indians are confronted with still greater disabilities as they have neither the political nor municipal franchise, nor have they rights to hold landed property as Act 37 of 1919 put an end to the indirect but openly accepted methods of holding lands, either through forming private companies or by appointing European trustees. The racial discrimination is observed in dealing with applications for municipal trading licences. There is also racial segregation directly embodied in the code of laws and this has been put into practice in certain places by means of what are called Indian

locations. As if such disabilities on Indians in the Transvaal were not serious enough the Asiatic Enquiry Commission has advocated even further restrictions which will make the position of the Indians in the Transvaal area still worse. The Indian community in Transvaal is deeply grateful to Sir Benjamin Robertson who came down as a representative of the Government of India for the patient and arduous work he did in the interests of the Indians. We desire to emphasise the facts mentioned in his Report that it will be only by the repeal of Law 3 of 1885 that the root cause of the present trouble can be really removed. The Indian community in the Transvaal feels that there is no hope of equal treatment for them until the repeal of this Law. We, therefore, desire to urge upon Your Excellency the necessity of making a strong representation to the Union Government of South Africa for the repeal of this law as all subsequent racial enactments are based upon this statute. We desire now to draw Your Excellency's special attention to Act 37 of 1919 as that Act violates the Smuts-Gandhi agreement of 1914 which protected the vested rights of Indians in Transvaal. In 1914 the Indian community possessed the right of acquiring and holding landed property quite openly, though indirectly, in the Transvaal or this right was upheld when it was recently challenged in the Appellate Court of the Union. Under Act 37 of 1919 that right is taken away and the deprivation of that right is rightly construed as a deliberate effort to drive the very small Indian population in the Transvaal out of that province altogether.

In the Orange Free State the Indians have no rights whatsoever. They can live there only as domestic servants and in no other capacity. There are only some 200 Indians in the whole of the Free States and as immigration is strictly prohibited, there are few chances of the population increasing.

In the circumstances it can scarcely be contended that there is any serious risk in granting full rights of citizenship to Indians.

Voluntary Repatriation

We deem it necessary to refer here to the acceptance by Government of the recommendations of Sir Benjamin Robertson regarding what is called voluntary repatriation. The Indian community fully understands that Sir Benjamin Robertson's intention was, to relieve the poorer members of the Indian community in South Africa and thus indirectly to help the cause of the other Indians who stayed in that country, but the actual result has not been that which was anticipated; for this voluntary repatriation has been taken up as a watchword by those who wish to drive Indians out of the country.

In consequence of this agitation the policy of removing from Natal of Indians, whether poor or not, has been encouraged, while no attention has been paid to the task of improving the social conditions and status of the remaining Indians in the country, and an attempt is being made to take away some of their existing rights. It is repugnant to Indian self-respect and manhood to accept repatriation at the expense of forfeiting domiciled rights and the Indians in Natal now feel that they must depend upon themselves for improving their position, and as the first step in that direction they have taken up the responsibility for the proper education of Natal-born Indian children. There is still one further anomaly we should like to bring to Your Excellency's notice. Although the South African Government is now called a Union Government, Indians are not allowed to travel freely from one part of the Union to another, and we desire to enter our strong protest against this inter-provincial segregation.

South West Africa

We beg now to refer to the injustice meted out to Indians in the Mandated territory of South West Africa. Prior to annexation, although there was an administrative barrier against Indian entry into this territory, Indians used to go and settle there. Since the annexation of the territories to the Union Government, Indians are debarred from entering that territory under a statute. This arbitrary act on the part of the Union Government is another instance of the spirit underlying the recent anti-Indian legislation in South Africa and we pray to Your Excellency to press upon the Union Government the necessity for altering their present policy.

Our object in coming to-day before Your Excellency is to seek the help of the Government of India in securing a better understanding about Indians in South Africa and a better treatment of them by the Union Government. Indians are prepared to do their duty as citizens of the different Provinces of the Union in which they have made their home. They are prepared to be educated and deserve to have the good things of the world equally with Europeans. They are also prepared to do everything to deserve them by their character and industry; there is no reason why they should not live in amity with their European fellow subjects and reach the standard of life and comfort which is so dear to Europeans. They have chosen to claim freedom and all the advantages of freedom to which they are entitled as British citizens. They will endeavour to achieve and maintain it at all costs. They are ready to reciprocate every sign of friendship that the European community in South Africa may show them and to live on terms of

peace and goodwill with all men. They are determined to spare no sacrifice on their own part to obtain those fundamental rights of humanity for which the British Empire stands. They are firmly convinced that any other course would be unworthy of them, both as Indians and as loyal and law-abiding subjects of His Britannic Majesty. In this moral struggle we appeal on their behalf to Your Excellency for sympathy, encouragement and support. It is hoped, in conclusion, that the Government of India will do their utmost to urge on the Union Government that they should satisfactorily settle once for all the Indian question in South Africa. It has been a vastly disturbing factor in South Africa and also in the domestic politics of India itself. A correct solution of this problem will make Indians in South Africa and the millions of their fellow countrymen in India the best friend of the Empire and of every part of it.

Viceroy's Reply

In reply the Viceroy made a sympathetic speech and recognised the force of all the points raised by the deputation. The Government of India, he said, was fully cognisant of the difficulties under which Indians have to labour in South Africa, and he assured them of urging their just claims whenever opportunity presented. Beyond expressing these sentiments, however, the Viceroy could not vouchsafe any protection, and the position now remains as it was in June 1922 when the Natal Anti Indian legislation was on the anvil.

Indians in the Dominions

The following important account of the status of Indians abroad was contributed by the Rev. C. F. Andrews to the 'Modern Review', May 1922.

The Natal Provincial Congress of the South African Party (commonly called the S. A. P. Congress) at a recent Session considered the Asiatic question. This is the party in power under the leadership of Genl. Smuts and is expected to be more moderate in its anti Asiatic demands than the Nationalist party under Genl. Hertzog. Yet the speeches made and the resolution passed reveal the general anti-Asiatic feeling in abundance.

General Smuts, after warning the Congress that India had 320 millions and that anything they did or said had a far reaching influence which might even shake the foundations of the Empire, immediately went on to make the alarming statement, which was telegraphed to India by Reuter, that the "best thing they could do was to induce the Indians in ever increasing numbers to go back to their own country and to leave South Africa. Let them encourage the 'White' population while watching the Asiatics to dwindle."

Sir Thomas Watt who followed General Smuts representing the Cabinet said that he hoped the Congress would impress upon the Government the need for dealing with the Asiatic question. 'Action was long overdue and it must be directed to strengthening the hands of the 'white man' Natal must educate public opinion through South Africa Mr. Patrick Duncan, the Minister of the Interior, another Cabinet representative, stated that South Africa was faced with a problem that was acute, the problem of White versus coloured population. The Europeans were the trustees of the coloured, and they must discharge their responsibilities in such a way as to ensure the destinies of the country as a European civilization.

S. A. P. Congress.

The resolutions passed at a secret Session run as follows :—

1. That the S. A. P. should make known, as speedily as possible, the policy it proposes to pursue in order to deal fairly, but effectively, with the problem caused by the presence of a large number of Asiatics, especially in the Transvaal and in Natal

2. That the Natal S. A. P. Congress respectfully requests the Government to give an early opportunity for the discussion of the Asiatic problem in Parliament

3. That it is essential that legislation should be brought to bear to prevent Asiatics from acquiring further land in Natal

4. That without disturbing existing rights legislation should be passed to prohibit further sales, leases or rental of land or buildings to Asiatics, except in reserved areas

5. That the issue and renewal of general dealers' licenses outside Municipal areas be regulated in the manner contemplated in Natal Draft Ordinance 4 of 1921.

6. That no new trading licenses or transfers shall be granted to Asiatics, except in reserved areas

7. That no Asiatic or Native shall trade under or assume a European name. That no Asiatic may hold unusual interest in any business, land or property, registered in the name of Europeans

8. That where Asiatics have acquired property and trading rights "not" within reserved areas, they shall be strictly required to conform to the same laws as to sanitation, good order, and housing conditions as apply to Europeans.

9. That the encroachment and unfair competitions of Indians, in land, industries, commerce, labour and spheres of employment, generally suitable to Europeans, has injuriously affected the white races and increasingly menaces the economic standards, the social welfare, and political status of the South African Union.

10. That in skilled trade, commerce, industries and every spheres of employment suitable for Europeans, payment and working conditions shall be by Trade Boards in accordance with 'white standard'

11. That no differentiation in favour of Asiatics over indigenous natives of equal trade be allowed in any legislation affecting either.

12. That the Ordinance relative to Indian franchise in Natal which was vetoed be re introduced

13. The Government be asked to introduce a Bill to apply to Municipal vote such as those contained in Section 12 of Charter of July 8th 1856 and Section 2 of October 8th 1806 (Natal).

14. That the Government draw up a definite statement of their policy, showing what they have done and what they are doing on 'the Indian question especially regarding the Indian trade, and that Government should make its policy known as widely as possible

I am afraid that we, in India, can only regard these resolutions (which were thus officially made public after the secret sessions were over) as foreboding an almost unanimous attack on the last existing rights of Indians in Natal and the Transvaal with a view to making them in every sense of the word "on a level with the Kaffir".

Secondly, it needs be remembered, that the whole trend of policy, with regard to the coloured races in South Africa, is in the direction of 'segregation'—that is to say, the old 'ghetto' system of Europe in the Middle ages. The intention is to keep them strictly within 'reserved areas' as far as any rights and privileges are concerned, while at the same time keeping back practically all the best land for the aristocratic 'Whites.'

Indian and African in Kenya

A very great effort is being made by the Europeans in Kenya Colony to throw upon the Indians the blame for the recent violence

outbreak of native African indignation on the arrest of Harry Thuku. It is stated in the public newspapers that the Indian leader secretly fomented a native rising. The truth is that the Indians in Kenya to day are between two fires. If they keep aloof from native affairs, the European settlers ask the question—“What have Indians done for the natives”? If, on the other hand, Indians are friendly and familiar with the African natives, then they are charged with conspiracy and with encouraging native rebellion. Almost every day at Nairobi, I saw Harry Thuku, the young educated Kikuyu native who has been deported. He was a very bright young lad with a pleasant open face. Harry was a great friend of all our Indian leaders who treated him with kindness and courtesy which one would not usually receive from Europeans. He appeared to me to be really in earnest in his desire to help his countrymen, who were suffering, under almost overwhelming disabilities. Their land has been taken from them, except certain tracts which are called ‘reserves’; and every effort has been made either by compulsion or by semi-compulsion, to get them out of these reserves themselves for labour on the great European estates. There has been in Kenya, in the past, not only what practically amounted to ‘forced labour’, but also excessive flogging with a very cruel whip made of rhinoceros-hide, called ‘kiboko’.

The idea of the average European settler at present is to keep the African native in an inferior position. The European allows no liberties of any kind. As a consequence, the African native has a deep inveterate fear of him, but not of the Indian. With those Indians who are village-store keepers the African will sit for hours and hours,—and talk. The language is often a curious mixture of dialects, but somehow an understanding is reached, and both parties enjoy conversation.

Every day, as far as my experience goes, Europeans are seeking to make the African native despise the Indian. The Indian is bullied by the European in front of the African native. And what is the most cowardly thing of all, the African native is at times encouraged by the European himself to insult the Indian. I have seen one such sight with my own eyes, and the meanness of it made my blood-boil. The best way in which this can be counteracted is for the Indian to be truly kind and considerate, at all times, to the African native, and thus win his respect by sympathy, and kindness. Such respect is far greater and nobler than the respect that is due to fear.

There is one thing that is happening in Kenya every day. The Indian and African are feeling more and more the ‘common’ wrongs from which they suffer at the hands of the European. The African native understands that, whatever rights the Indian acquires,

the same will inevitably come to himself also. Therefore, he is looking upon the Indian as both his fellow sufferer and also his protagonist in the struggle for human rights.

What appears to me to be needed more than anything else however, at the present time, is that Indians, whose hearths are filled with love of God, should go forth,—as the Budha went forth, as Chaitanya went forth, as Christ went forth, to help and to bless the African natives, serving them with the purest service of love. Until this is accomplished in God's name, the relation between Indian and African will not be made perfect.

Exploitation of Indian Labour in Fiji

Mr. Andrews also thinks "it necessary to call attention in India to the fabulous profits which the C. S. R. Co of Australia have made recently out of sweated Indian labour in Fiji. It will perhaps be remembered how the "Sydney Bulletin" revealed, without any contradiction, the scandalous war profits in sugar made by this Company. It may also be remembered how the C. S. R. Co. resisted to the very last any increase in the wretched wages of the Indentured Indian labourer during the time of the War, although food prices had more than doubled. All that is past history.

But a still more amazing story is told with regard to the profits, "after" the War especially for the year ending March 1921.

The Financial Editor of the 'Sydney Bulletin' remarks: "the year's operations show an increase of liquid surplus of more than one and a third million pounds sterling. It is an almost incredible performance".

It will be remembered how the C. S. R. Co. fought to the very last against giving any rise in Indian wages during the prosperous years, 1920-21. It will be remembered how the Indian labourers continued the strike for five months without violence of any kind, but were beaten in the end. Now, for the first time, we know for certain, from the "Sydney Bulletin" financial statement, that at the very time the C. S. R. Co were fighting the Indian labourers to their knees, right down to sheer starvation, their own coffers were bulging with gold."

The following statement with reference to the position of Indians overseas was issued over the signatures of Mr. H. S. L. Polak and Rev. C. F. Andrews in June 1922.—

The news which has recently come to us both from South and East Africa and also from Fiji is of so serious a character that we venture to appeal through the Press to the people of India to take up the cause of Indians abroad with greater energy and determination in order to save them from impending disaster. A crisis now faces them of unexampled magnitude and it appears to us very largely to depend on the emphatic expressions of public opinion in India whether the Imperial Conference resolution with regard to equal Indian status passed at London in July 1921 is to be made effective or not.

In South Africa the key of the situation is Natal. The bulk of the South African Indian Community is concentrated in that province. Natal actually owes its property to the Indian labourers who were brought in to save it from insolvency. The majority of Indians there are now colonial-born. All fresh Indian immigration has been stopped. In a short time the whole Indian population will be South African by birth. European population, on the other hand, is continually being reinforced by immigration from England and elsewhere. This constant stream of fresh immigration from Europe (while immigration from India is closed) makes quite certain that the European population in Natal will soon largely outnumber the Indian. In the other provinces of South Africa, the Indian population is negligible, roughly speaking about 21 000 as compared with nearly a million and a half European. Even this disproportion is growing greater at every census because of the rapid increase of Europeans owing to immigration.

Yet in spite of the facts (1) that Indians were invited to come over in the first instance, (2) that they made Natal prosperous, (3) that the majority of them are now South African born, (4) that no further Indians are allowed to enter,—in spite of all these facts the Europeans with louder and louder voices are increasingly demanding either (1) that the Indians should be as far as possible repatriated, or else (2) that those who remain should be segregated and otherwise penalised.

Sir John Lange's Commission acknowledged these facts. Nevertheless, even this report made recommendations, which, if put into practice would have seriously curtailed the very few existing Indian rights. The South African Union Government, however, realising the importance of the issue in the larger world outside South Africa was able to postpone any threatened anti Indian Legislation, and the "status quo" has so far been with some difficulty maintained. But the Anti Asiatic party in Natal has now repeatedly

attempted to force the hands of the Union Government, It captured the Provincial Council and induced it to pass legislation which would deprive Indians of several of the most important rights which they still retain. This has been done in the hope either compelling by public pressure the assent of the Governor-General in Council, or else of obliging the Union Govt., while withholding assent, to pass the desired anti Asiatic legislation on its own account.

But Section 147 of the South African Act of 1909 was passed expressly in order to prevent provincial legislation in Asiatic affairs. For, it was recognised that Provincial narrowness might involve South Africa in a complicated international situation. Section 17 was designed to reserve the entire control from beginning to end of all matters specially or differentially affecting Asiatics to the Governor-General in Council, that is to say, the Union Government itself.

What is the legislation which the Natal Provincial Council is trying to force through?

(1) There is an Ordinance to substitute for a licensing office from whom there is a right of appeal upon certain conditions, a licensing Board in rural areas, whose membership will be confined to Europeans. This Board would have final powers of decision in all matters relating to the issue and transfer of licenses, thereby in substance, though not in set terms, depriving Indian traders of their former rights of appeal on questions of law.

(2) There is an Ordinance which would prevent Indians in future from acquiring the municipal or Urban franchise. This would mean a clear breach of an official promise made as long ago as 1896, and the disfranchisement for all time of Indians born and bred in the Province.

(3) There is an Ordinance whose object is to segregate Indians in Durban by making legally impossible for them to buy or occupy municipal land in an area earmarked for the Europeans, or to sell such lands to Europeans in an area earmarked for Indians. This is the first time that compulsory segregation has been attempted in Natal.

All this is avowedly only the beginning of the campaign of the Anti Asiatic Party. At the last Imperial Conference the hope was expressed that by means of direct negotiations between India and South Africa "some way can be found, as soon as may be, to reach a more satisfactory position." The fact that direct negotiations have now been opened, leads one to presume that it is not the desire of the Union Government to precipitate a rupture with India. But the Indian Government will suffer greatly in making its own position clear to the South African Government, if it has not the united strength of the people of India behind it. We would venture, therefore, to urge that on this question a unity of all thinking

people in India with the Indian Government is essential in order to attain a successful end to such direct negotiation.

In East Africa we meet a situation which, if anything, is more dangerous even than that in Natal. Kenya is not a self-governing dominion but a Crown Colony. Constitutionally the Administration is nothing more than a Branch of the Colonial Office in London. The Governor is a subordinate taking orders from the Secretary of State for the Colonies. Great Britain is directly responsible.

At the Imperial Conference, Great Britain accepted the Imperial Conference Resolution with regard to equal Indian status. Mr. Winston Churchill was the Chairman of the Special Committee that drafted this resolution. He himself accepted the resolution on behalf of the Colonial Office. What followed is almost inconceivable. Scarcely had the ink of his signature dried upon the paper than the Governor of Kenya was sent back by Mr. Winston Churchill himself with a secret document containing proposals fundamentally opposed to the very resolution of the Imperial Conference which he himself had just signed. If this document had been accepted by Indians in Kenya and had become law, it would have perpetuated the inferiority of Indians to Europeans in almost every particular.

There are four disabilities under which Indians labour in Kenya

(1) They may not acquire or transfer agricultural land in the Highlands. When the Indians protested against this invidious distinction, they were told that the Colonial Office had made a pledge to the Europeans which could not be broken. The so-called pledge referred to is that of Lord Elgin in 1908. Lord Elgin's Despatch, however, needs to be read as a whole. The local officials are told to issue the original Crown grants of land "for reasons of administrative convenience" solely to Europeans, but he added that His Majesty's Government would not countenance legislation differentially affecting the Indian population. It will be seen at once that no bar was placed upon the open transfer of the original Crown grants at any future sale to any purchaser who had rights in the country. The Indians had the right of purchase. An act of the Legislature would have been required to take those rights away. But His Majesty's Government had expressly stated that no such racial legislation would be countenanced.

The so-called pledge to Europeans has been amply fulfilled, for we have been told on official authority that practically all the original Crown grants in the highlands have now been made, and Europeans have had them all. But the actual documentary promise to Indians that legal differentiation would not be countenanced by His Majesty's Government has been callously broken. For in 1915

during the war, when the Indian community was helpless under Martial Law, an ordinance of the Legislature was passed empowering the Governor to veto the transfer of land in any part of the then protectorate between persons of different races. This has been exercised against all Indians.

(2) It is part of the declared policy of the Europeans to enforce strict compulsory segregation both residential and commercial.

(3) The European Convention of Associations is endeavouring to deny Indians equal franchise on a common electoral roll.

(4) Finally, in order to make Kenya "a characteristically and distinctively British Colony" (Mr. Churchill's phrase) and in the so called interest of the native, the colonial secretary proposes to prohibit Indian immigration.

In this last clause lies the most urgent peril to the Indian community. If further immigration can be prohibited and if Kenya can be forced to look towards London rather than Bombay, then the European settlers are well aware that they will be able to control permanently the unprotected Indian domiciled residents. Mr. Winston Churchill has openly declared his desire to establish a great administrative unit consisting of Kenya, Uganda, Tanganyika and Zanzibar, and having a common policy.

When we turn to Uganda we find the same anti-Indian influence of the Colonial Office clearly at work in the recent decision about Kampala which enforces racial segregation.

In Fiji, as a recent telegram has announced, the European residents, who form less than one fifteenth of the population, have openly declared that they are unwilling to accept and are determined to resist the local application of the Imperial Conference resolution regarding equal Indian status. There can be little doubt that this movement of revolt against the resolution will spread further.

We are of the opinion that nothing could be more disastrous in India at the present time than a widespread conviction that the Colonial Office is determined to reduce so vital a document as the embodying the Imperial Conference resolution of July 1921 with regard to equal Indian status to a mere scrap of paper. The time appears to us to have come for the Indian Government itself to declare that there is no possibility of the people of India being willing to remain permanently within the British Commonwealth of Nations except upon the terms of actual and not merely theoretical racial equality. Such a declaration would clear the air. It would show more plainly than anything else to the colonial office in London and to the South African Union Government, that by these perpetual humiliations and disabilities to Indians abroad they are forcing an issue from which they themselves may well recoil.