

EAST AFB PROT

23101

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MAY 20 1920

U. S. G. 357
REVISED

INDIANS, ACQUISITION OF LAND

1920

31st MARCH

Trans letter from E. A. INDIAN NATIONAL CONGRESS
re restrictions

U. S. G. 357

22778

Letter to the Hon. Sec. of the Interior

My dear Sir, I have the honor to acknowledge the receipt of your letter of the 15th inst. regarding the restrictions on the acquisition of land by Indians.

In answer to your letter of the 15th inst. I have the honor to inform you that the Department is currently reviewing the matter and will advise you of the results as soon as possible.

*I am, Sir, very respectfully,
Your obedient servant,
John D. ...*

U. S. G. 357

23382

*Send copy to S. E. ...
Very cordially,
John D. ...*

The [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

Oct 10/20

[illegible]

12/10

[illegible]

[illegible]

See by [illegible] [illegible] [illegible]

11/5

12/10/20

Ref. your minute of 11.5.20 in E3177/20

The ed. in 67612/19 referred to
forms 1578 - 1585. These

are understood to be forms along

the Railway between Woking

& Wokingham. It is also

suitable for other. These are not

yet the same as (see Feb. 6

July in 1512/19). Your

description is correct.

The European Vegetation is just recently

ed. No. 2 in E3177/20

? It wd. be as well to ask.

Receipt & say that copy has

been sent to Sir Matthew

who will take the matter up

in acc. with inst. sent to

him on 25 March. You may

return [no need to send copy

of letter but this is the

only procedure to be followed

(see above). Some of the

that are ed. appear to be

23101

RECEIVED
GOVERNMENT
OFFICE
BRITISH EAST AFRICA

31st March, 1920.

My Lord,

I have the honour to transmit to Your Lordship a letter from the Eastern Africa Indian National Congress on the question of restrictions on land tenure by Indians in this Protectorate.

2. The memorialists enclose a copy of a petition purporting to be drawn up by the European inhabitants of the Nyansa Province and addressed to Your Lordship, which has not yet been received by me.

3. In this connection I would refer to my telegram No. 873 of the 21st November last and to Your Lordship's reply of 27th January directing that the area between Mahorani and Kibigori, which appears to be the subject of the European petition, be not alienated for the present.

I have the honour to be,
Your Lordship's
humble, obedient servant,

[Signature]
ACTING GOVERNOR.

RIGHT HONOURABLE
VISCOUNT MILNER, P.C., S.C.B., E.C.M.S., &c., &c.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W.

E.A. Indian
Congress

40/276/19
2723

Nairobi,

P. O. Box 250.
Telephone No. 250.

to which please quote
No. and date 306/7
Mombasa P. O. Box 25.
Telephone No.

Standing Committee's Office

Chairman, 13th March

MOMBASA

My Lord,

I have the honour in being the following facts about the hardship entailed on the Indian subjects of His Majesty the King by the inequitable policy of the Government to restrict the right of ownership to a certain area for the Indians.

Your Lordship is fully aware that since 1908 when the policy of restricting the ownership of His Majesty's Indian subject was first initiated, the question of land has been a bleeding sore to the Indian community. The result has been that it has fostered the germs of racial hatred and day by day widening the gulf between the Indian and the European Communities. The influx of the South African settlers has given a peculiar tinge to the situation. Naturally they brought with them the hatred of "Asiatics". It gave impetus to the growing bitter feelings culminating in the present unbearable situation. On the alleged "administrative facility", His Majesty's Indian subjects regardless of the fact that they had settled in the country centuries before, were deprived of their legitimate right of free ownership with one stroke of pen. In pursuance of the to that inequitable and unfair policy Indians have been deprived the right of ownership in the lands 4000 ft. above the sea level. It was understood that the unhealthy area of what is commonly called "lowlands" was meant for the unfortunate Indian subject of His Majesty the King; but the Indians whose birth rights were

Right Honourable
The Secretary of State for the Colonies,
Downing Street,

LONDON, S.E.1

rights were trampled under foot so mercilessly, never accepted this principle. They maintained that by right of early settlement and participation in conquest they were entitled to the free ownership of land in any part of British East Africa.

It is rather unfortunate to observe the fresh encroachments by the European settlers upon the right of Indians. Very recently a petition of the European farmers of the Nyasa Province has been forwarded to Your Lordship with a view to further limit the Indian settlement, a copy of which I enclose herewith.

By the magnificent services rendered by India to the British Empire during the five years of the world war and especially in the Eastern Africa theatres, it was understood according to the declarations of the Premier downward that she has won for her children an equal status under the Union Jack. The irresistibility of her claim on the ground of sacrifice for the Empire was admitted on all hands. Her participations in the deliberations of the Imperial War Cabinet, the Peace Conference, the League of Nations and the International Labour Conference are not non-fully self governing unit of the British Empire raised her status still higher in the eyes of the civilised world. After contributing more men than all the colonies combined put together, supplied to the British Army it was least expected that the rights of the Indians in the colonies and particularly in the Crown Colonies, such as British East Africa, will be curtailed in any fashion.

My Committee strongly protests against the decision of the European farmers of the Nyasa Province and most respectfully submits that the right of free ownership for Indians in British East Africa be recognised. The constant curtailment of free right of ownership for Indians has been zealously watched by their fellow countrymen in India and no wonder that the present intolerable situation drew forth a very strong protest from the Indian National Congress at Amritsar during last year.

I, in conclusion most respectfully request Your Lordship to take

to take into consideration the feeling of one-fifth of the whole human race towards their fellow countrymen on this side of the ocean, while settling this thorny question once for all in the near future with His Excellency General Sir Edward Northey.

I have the honour to be

Your Lordship's

Most obedient & humble servant,

B. S. Parmar

HON. GENERAL SECRETARY.

The Humble petition of Your Lordships' servants the European
inhabitants of the Nyansa Province.

Your Lordship is doubtless aware that since the commencement
of settlement in this country it has been the maintenance
of the Government to deal with the Highlands and Lowlands differ-
ently, the former for exclusively white enterprise and a latter
so as also to admit of Indian plantations. Your petitioners
recognize that this division is founded on a sound view of what
is in the best interests of both the European and Indian communi-
ties, since it is not feasible, particularly from the point of
view of labour, that the land holdings of each community should
be intermingled at haphazard. It is however a matter of great
concern to your petitioners where exactly the dividing line
should be drawn, since the Nyansa Province contains areas of both
descriptions both Highlands and Lowlands. At the present moment
there is considerable Indian settlement, rightly and usefully in
the area between Kiama and Kibigori, there is also a very small
number of Indian settlements, forming an isolated block in the higher
country near Muberoni. Your petitioners do not desire in any
way to attack the already established rights of these few Indians
at Muberoni, but we do desire in the very strongest terms to claim
that the natural and proper racial boundary should, for the future,
be laid down at Kibigori.

The reasons for this are:-

- (1) The facts that Indians near Muberoni are a discordant element
in a large European settlement area.
- (2) That land near Muberoni is more properly a highland than a
lowland area.
- (3) That between Kiama and Kibigori the land is almost entirely
in fact devoted to non-European settlement, and that there is at
Kibigori a very large Government quarantine station which forms
an ideal natural buffer between Indians and European settlement.

Your petitioners do not desire to express any feelings of racial animosity, we only desire that an already recognized principle should be carried into effect to the mutual amenity of relations between each community, which cannot but suffer, in our humble opinion, if such an obvious and natural boundary is not definitely fixed.

We therefore humbly pray that Your Lordship will after due enquiry, permit this division to be permanently fixed for the guidance of the future land alienations and consents to transfer in the Nyamha Province.

We are, Your Lordship's
humble servants.

Hear.....

I think we are all united in trying to limit the Indian settlement to the first country between the Lake and Kibigeri and I feel that if we do not make our effort now the Indian settlement at Muhoroni will be used as a precedent for allowing Indians to encroach gradually right up to Fort Verne.

The Government policy has so far been to strike some dividing line and I think it is up to us to send a unanimous representation home in the usual terms of a petition to the Secretary of State who will no doubt refer the matter to Sir Edward Northey.

I have therefore drafted as moderately worded a Petition as possible with a view to getting the matter settled up once and for all, and if you agree with it, I think you would be doing us all a public service if you would obtain every possible signature you can to the Petition.

It would have been preferable to have done this through the Association, but we are all so much agreed about the matter and the time of the Governor's stay at home is now so rapidly running to an end that I think I am justified in putting the question to everybody direct.

The reason I have taken this matter upon myself is that I have, as you probably know already, written many letters and also made ^{personal} strong representation to the local Government without any definite effect and I should not like to feel that I have ended up my connection with the now defunct Legislative Council without having seen to it that our idea as regards Indian settlement has gone to the highest possible authority.

I should be most grateful if you would obtain all the signatures you can at the very earliest possible, so as to enable me to get the Petition sent home before the Governor leaves London.

Yours sincerely,

St. E. A. PHIPPS.

with Lindome has been sent to
Sir Edward Hooper, who will take
the matter up on his return to
in accordance with instructions
sent to him on the 25th May

3. With regard to the last pair of
Tow dogs. I presume that it
is dead that the other is in
the 1st to the 27th of June

terms between Mulhous and (2523)
Bellegoni was intended to supply
the same number 1578 to 1585

which were specifically mentioned
in your letter no. 873 of the 21st of

Nov 1914

L (10) children