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EAST AFR. PROT
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REX
14 JUL 1920

INDIA OFFICE

POSITION OF INDIANS

1920

July

at previous Paper.

Trans further tel from India expressing views as to Indian Policy in E.A. particularly re representation of Legis Council and segregation. Trusts policy may be modified before being put into execution. Enquires as to passing of Legislative Council Ordinance

W. K. Bhatnagar

It is not clear from attached (unregistered copy) whether S.P. concurred in the proposed reply to I.O. when Mr. Montagu sent the advance copy of this letter.

? To Mr. Thomas to ascertain whether S.P. agrees to it or to the proposed - I.O. as in

Mr. Bhatnagar's copy for

W. K. Bhatnagar has privately written to Mr. Montagu that he has approved of the proposed reply to I.O.

proposed reply to I.O.

Any further communication on this subject should be addressed to—
The Under Secretary of State for India,
Public Department,
India Office,
London, S.W.
and the following reference quoted—
J. & P. 4290/20.

INDIA OFFICE
34340
WHITE HALL,
LONDON, S.W. 1.
REC'D
REC'D 14 JUL 20

Pressing.

13th July, 1920.

Sir,

In continuation of my letter of 24th ultimo, J. & P. 4000/20, I am directed by Mr. Secretary Montagu to transmit for the information of Viscount Milner paraphrase of a further telegram which has been received from the Government of India regarding the position of Indians in British East Africa.

Mr. Montagu desires to endorse in the strongest possible manner the views expressed in the Viceroy's telegram as to the deplorable effect that may be expected in India if certain of the decisions foreshadowed in Lord Milner's recent secret Despatch are promulgated and put into operation without modification - particularly those relating to the refusal of elective representation for Indians in the Legislative Council and the policy of segregation in towns; and he trusts that these questions may receive further consideration before the final decision is arrived at.

With regard to the paragraph of the telegram I am to point out that in the correspondence which has passed between the India Office and the Colonial Office since Sir T. Holderness's letter of 15th August last, the importance from the Indian point of view of the question of elective representation has been repeatedly emphasised, and a definite assurance was given in the Colonial Office letter of 23rd January 1920 that full weight would be attached to the views of the Government of India. But it was not until the

receipt

Under Secretary of State

COLONIAL OFFICE

From Viceroy, Commerce and Industry Department, 30th June 1920.

J. & P. 4290.

P.—Legislative Council Ordinance, East Africa Protectorate. Reference letter dated 3rd instant, from your Judicial Secretary. Royal Assent was given to this Ordinance on the 22nd July 1919, and it is not understood why we had not been informed before of this important fact. Having regard to your letter dated 15th August 1919 to the Colonial Office and your telegram dated 17th January 1920 to me, we were under the impression that questions of elected Indian representation on the Legislative Council and Indian franchise in general were still open. It now appears that decision was arrived at as long ago as July 1919, and we are placed in a very false position by not knowing this. We shall be asked why it has not previously been announced that Ordinance had been passed and received the Royal Assent. We should be glad of your assistance in this matter, as we are unable to explain. It is assumed that His Majesty's Government held Ordinance of abeyance pending Earl of Devon to England to consult Colonial Office as to its amendment in the direction of admission of Indian rights, and that promulgation in its original form has now been decided upon. We shall be glad to learn whether this is correct. If it is not so, how is it that we had not been informed earlier to be explained by us.

Do/47520

2. If the above assumption is correct, we wish strongly to protest against Indian subjects of His Majesty's Government in British East Africa being excluded from the franchise on 2 racial grounds, and it is again urged that franchise should be a common franchise on a reasonable property basis together with an educational test and without race discrimination. Nominated Indian members of Legislative Council are not apparently provided for in the Ordinance, but it is presumed that they have been otherwise provided for in accordance with the pledge contained in the letter of 30th June from Colonial Office to India Office. We should be grateful for information as to this also.

We hope that all possible means have been used by you personally to safeguard Indian subjects in East Africa, and we are most grateful to you. The effect of this Ordinance in India and of orders shortly to be passed on representation of Indian's disputation will be deplorable, and if we did not warn His Majesty's Government of this we should be failing in our duty. Effort is being made on the part of His Majesty's Government as regards the Indian question in self-governing Colonies, we recognize (difficult), but it is submitted that the Indian public have the right to expect that in the case of the Crown Colonies His Majesty's Government will exercise its authority with a view to protection of the rights of Indian subjects of the Crown and with due consideration of the question whether His Majesty's Government can be so placed in the impression to prevail in India that more importance is attached by the Crown to the views of a few white settlers in East Africa than to sentiments held universally by Indian subjects of His Majesty.

15th June 1920
15th June 1920

107 34329 Cal

de

DRAFT.

H.S. of S.
Public Dept
India Office

22 July 1920

MINUTE.

- Mr. Keel 15/7/20
- Mr. Bellamy 15:7
- Mr. Grindall
- Mr. H. D. ...
- Mr. G. Fiddes 21/7/20
- Mr. ...
- Mr. ...

I am etc back the receipt of you
 with no J. of 4 29 of 20 J. of
 13 - J. of July forwarding a
 paraphrase of a bill from
 the Govt. of India regarding
 the position of Indians in
 S. Africa, with special
 reference to their representation
 in the Legislative Council.

Mr. ... does not ...
 portion in the ...
 paragraph which is included
 in the ...
 21/7/20
 In view of ...
 ...

~~...~~
 you will
 ... as regards the ...
 referred to in the second
 paragraph of your letter, it does
 not seem desirable to ...

increased for the number to be
restored to the original figure,
and at the same time to be
raised the question of uniting
^{abolition} the clause which provides for
the composition of the Council,
~~generally~~ as being more
suitable for inclusion in the

DRAFT.

Royal Instructions than in the
Ordinance. An official
letter was sent to the India
Office (No. 30927/19, dated
30. May 1919) explaining
the position and giving a
brief account of the reasons for not
proceeding for election (copy
sentation of the Indian subscribers,
and it is not clear why
any expectation
had been formed should have
arisen that the
expected to receive from
this Dept. a copy of the
proposed amendments to the
Royal Instructions.

MINUTE.

- Mr.
- Mr.
- Mr.
- Mr. Grindle.
- Sir F. Lambert.
- Sir H. Read.
- Sir G. Fiddes.
- Col. Amery.
- Lord Milner.

Royal Instructions
would have been
amended or replaced
accordingly.]

DRAFT.

with this statement
after perusal
before him.

MINUTE.

5. Hadronner must
that Mr. Montagu will
not find no difficulty
in replying to the
let. from the Govt
India

- Mr. 3.
- Mr.
- Mr.
- Mr. Grindle.
- Mr. H. Lambert.
- Mr. H. Read.
- Mr. Fildes.
- Mr. Anery.
- Mr. Atwater.

Mar 27 1830

Private

14th July, 1920.

My dear Montagu

I have received your letter of the 11th July sending me a copy of a telegram from the Government of India dated the 30th of June relative to Indian representation on the Legislative Council of the East Africa Protectorate.

I hope to be able to see you in a day or two on the general question of Indian Policy in East Africa. In the meanwhile I think it would perhaps be best if you would give instructions for the draft official letter which you enclose to be sent to this Office officially, and I will then see that a full reply is sent to you.

Right Honourable

E. S. Montagu, M. P.

Private

Quarto
for last ambalac
signature

DRAFT.

Mr. H. H. ...

E. S. ...

July 25/20

MINUTE.

My dear Montagu -

Dec 9/17/20

I have received your

Birmingham 9.7.20

letter of the 5th of July sending

me a copy of a ... from

Mr. ...

the ... of ... dated

Mr. ...

the 30th of ... relative to

Mr. H. Read. 9/17

Mr. G. Fildes. 9

Mr. ...

Mr. ...

... representation on

the Legislative Council

of the ...

I hope to be able

to see you ...

will then be sent to it

as soon as possible.

The general lines of the
reply will be as follows:-

The original bill for
the Legislative Council

provided for the

machinery of election

(for European members)

of the number of

un-elected members,

including two nominated

Indian members. In

Committee, the Post

had reduced the number

DRAFT.

MINUTE.

Grindle.

H. Lambert.

H. Road.

H. Fiddes.

Amery.

H. Milner.

(No. 30947/19 of 30 March
1915) explaining what
was being done
firing means etc. 189

DRAFT.

I was not prepared to
refer for meeting agree-
ment of all the
members.

MINUTE

It was clear to everyone who
it was not to be
that all Council Office
necessary to
7.0. a copy of

The Bill when passed,
especially in the
mission of the

Fiddes

Conry.

Honor.

refused to make it an order
relating solely to the election
of European members. The
order was not held in charge
in the meantime, steps will be taken
to hold an election under it
but the question of effective
representation of Indians was
expressed upon the order
then passed, as it was in
May 1919, when the official
letter was sent to your office
if it had been decided to
grant effective representation
to the Indians, and order
the Royal instructions were

Spent my night on the point raised
in the Leg. Co. Ordinance, 1819.

The original Bill provided for
the machinery of election (for Europeans)
and for the election of un-elected
members, including two ~~European~~
Indian members.

In ~~the~~ Bill, the number of nominated
Indian members was reduced to one. The
S. of C. insisted on the number being
raised to two because

- (a) it would help to meet the demand for
greater Indian representation.
- (b) of the large number of Indians in the
country
- (c) of the necessity for representing both
Indian religions.

At the same time the S. of C. raised the
question of omitting the clause which
provided for the ^{composition of} ~~the~~ ~~composition of~~
the Council generally, as being more
suitable for the Royal Detachment.

Simultaneously, we wrote to the
India Office explaining that we
being done & why Lord Halifax was
not for the proposed ~~to~~ ~~proposed~~

Selection representation of Indians
 In view of what letter it is
 dignified to say they we should have
 been expected to read them along
 copy of the Ordinance when passed,
 especially in the opinion of the claim
 referred to above ^{was} it also an Ordinance
 relating to the ^{Eastern} Protectorate Supply.

The Ordinance was not held in
 abeyance - on the contrary, it was
 taken to be held in abeyance under it. On
 the other hand, the question of Indian
 election was a question after the Ordinance
 had been passed as it was at the time
 of our letter to the I.O. If it had
 decided to grant election representation
 to Indians, the Ordinance and the Royal
 Instruction would have been amended
 or replaced. I do not see how we
 can fairly be accused of shutting the
 door by the further changes by
 carrying out the changes already
 decided on.

Memorandum to Mr. Montagu
 dated 27th 1920
 regarding the Indian
 representation

Sir Herbert Read

Lord Milner has seen. He would like a private
 letter drafted as from him to Mr. Montagu, saying that
 he thinks it would perhaps be preferable in this case
 for the draft official letter, which he enclosed in
 his letter, to be sent to this Office officially in
 order that it may be on record. Mr. Montagu should
 be told that an official reply will be sent as soon
 as possible. In the private letter to Mr. Montagu,
 the general form which the official reply will take
 should be explained. The private letter to Mr.
 Montagu should also state that Lord Milner hopes to
 be able to see Mr. Montagu on the general question of
 Indians in East Africa one day next week.

Handwritten initials

8.7.20

INDIA OFFICE,

WHITEHALL, S.W.1

5th July 1920.

Private.

My dear Milner,

In our private correspondence about the East African question you have asked me to take no official action until we have had an opportunity of talking over the situation together. I am looking forward to that opportunity, and very much hope that we shall be able to find it early next week when the Indian debate is over.

But I have just received a telegram from the Government in which I am asked to inform you without delay. I think that official communication should be suspended for the time being. I should like to send it to you with a copy of the report which, I should think, would be of interest to you. I should like to address to you in the name of the Government.

Handwritten signature

Viscount Milner, G.C.B., G.C.M.G.

Copy.

India Office,
Whitehall, S.W. 1.

Sir,

In continuation of my letter of 24th ult. J. & P. 4000/20, I am directed by Mr. Secretary Montagu to transmit for the information of Viscount Milner a paraphrase of a further telegram dated 30th June 1920, which has been received from the Government of India regarding the position of Indians in British East Africa.

Mr. Montagu desires to endorse in the strongest manner the views expressed in the Viceroi's telegram as to the deplorable effect that may be expected in India if certain of the decisions foreshadowed in Lord Milner's recent secret Despatch are promulgated and put into operation without modification - particularly those relating to the refusal of elective representation for Indians in the Legislative Council and the policy of segregation in towns, and he trusts that these questions may receive further consideration before the final decision is arrived at.

With regards to the first para. of the
Secretary of State,
Colonial Office.

SECRET

telegram I am to point out that in the correspondence which has passed between the India Office and the Colonial Office since Sir T. Holderness' letter of 15th August last the importance from the Indian point of view of the question of elective representation has been repeatedly emphasised, and a definite assurance was given in the Colonial Office letter of 23rd January 1920 that full weight would be attached to the views of the Government of India. But it was not until the receipt of the Colonial Office letter of 2nd ult. that the Secretary of State for India was aware that the "East Africa Legislative Council Ordinance" had been passed, and assented to in His Majesty's name by the Governor, in July 1919. I am to enquire whether the Government of India may be informed that they are correct in their assumption that the Ordinance was held in abeyance pending Sir Horsey's visit to England to discuss whether it should not be amended, and that it was for this reason that its existence was not previously mentioned.

Telegram from the Viceroy, Commerce & Industry Department,
to the Secretary of State for India, dated 30.6.20.

Your Judicial Secretary's letter of the 3rd June
East Africa Protectorate Legislative Council Ordinance.
This Ordinance received Royal Assent on 22nd July, 1919,
and we do not understand why we were not apprised of this
important fact before. From your letter to Colonial Office
of August 16th last and your telegram to me of 7th January
last we have been under impression that question of elected
Indian representative on Legislative Council and Indian
franchise generally was still an open question. We now
find that question was decided as long ago as July last
year and want of knowledge of this fact has placed us in a
very false position. Public will want to know why fact
of this Ordinance having been passed and having received
Royal Assent has not been previously disclosed. We cannot
give any explanation and should be obliged if you could
assist us in this matter. We assume that Ordinance has
been held in abeyance by H.M. Government pending Governor's
visit to England for consultation with Colonial Office as
to whether Ordinance should not be amended in direction of
admission of Indian rights and that it has now been decided
to

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to the Secretary of State for India, dated 30.6.20.

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of this Ordinance having been passed and having received
Royal Assent has not been previously disclosed. We cannot
give any explanation and should be obliged if you could
assist us in this matter. We assume that Ordinance has
been held in abeyance by H.M. Government pending Governor's
visit to England for consultation with Colonial Office as
to whether Ordinance should not be amended in direction of
abandonment of Indian rights and that it has now been decided

to promulgate it in its original form. Please let me know whether this assumption is correct. If not what explanation are we to give of the fact that we have not been informed before.

2. If assumption correct we desire to enter a strong protest against the exclusion on (racial) grounds of Government Indian subjects in British East Africa from the franchise and we urge again that franchise should be a common franchise on reasonable property basis plus education test with no (racial) discrimination. We find no provision in Ordinance for nominated Indian members of Legislative Council but we presume that provision has been made otherwise for nominated members in accordance with practice given in Colonial Office letter to India Office of 30th May 1910. Here again we should be grateful for information.

3. We know that you personally have used all means in your power to safeguard rights of Indians in East Africa and we are most grateful to you. But we should be failing in our duty to His Government if we did not warn them that effect in India of this Ordinance and of orders about to be passed on representations of grievances' agitation will be deplorable.

deplorable. We recognise that it is difficult for His Majesty's Government to intervene effectively in the matter of Indian question in Self Governing Colonies but in case of Crown Colonies we submit that Indian public has right to expect that His Majesty's Government will exercise its authority to protect rights of Indian subjects of Crown and we ask that it may be considered whether it is wise for His Majesty's Government to allow impression to prevail in India that we attach more importance to social prejudices of a handful of white settlers in East Africa than to sentiments universal held by His Majesty's subjects.