

EAST AFR. PROT

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REC-
REC- JUN 1920

India OFFICE

POSITION OF INDIANS

1920

14th June

Last previous Paper

Requests copies of two ordinances and information on certain outstanding points

28537

W. B. Stansfeld

1. At herewith for certain ordinances referred to the points raised by T.O.

2. As regards J.P.'s visiting practice of East, we could, if you think it desirable, ask for a definite recommendation - see ⁸⁰⁴ 13855-2/10 - para 10.

3. As regards judgeships & magistracies, I have not suggested turning the proposal right down, as it will involve a question of principle on which the T.O. will depend altogether from C.O. of me

Copy given for Home 185 20 Aug 13 59 1/2

Subsequent Paper

28537

34127/25 (Hawking)

to the point of fact; however,
 we cannot contemplate Indian
 magistrals in E. Africa Prov.
 or Uganda, unless Indian
 cases (in wh. no European
 is concerned) could be handled
 & this wd. lead to get further
 all-factors over rule in Victoria,
 It might perhaps be better
 to substitute for X in
 with the alternative
 in steps & teaching

Sir H. Head.

I agree I see no use in pretending
 that we could possibly suspect the
 Eastern natives with decisions of
 Indian magistrals.

As to Mr. Williams's 2 above, I
 do not think it would be worth while to
 refer to the 4th Report & say that
 we will not do it if any thing can
 be done.

For convenience I attached a list
 of the various dead notes in the
 document of 1887 & therefore with
 appropriate knowledge. —
 matter to Legislative Council
 — Municipal Council
 Municipal
 in 2 in Highlands
 in 2 in Lowlands

Race segregation, and citizenship
in Town plots.

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Education

Medicine & legal practice

Trial by jury

Currency

Part in the Economic Commission's
report.

W.C.S. 1876/20

Further communication on this subject should
be sent to—
The Under Secretary of State for India,
Public Department,
India Office,
London, S.W. 1.
Following reference quoted—
J.S.P. 2774/20.

INDIA OFFICE,
WHITEHALL,

29395
REC'D
OCT 15 JUN 20

June 1920

Sir,

3516

With reference to the letter from this Office of 11th
May, 1920, No. J.S.P. 2774, regarding Basins in East Africa, and
previous correspondence, I am directed by the Secretary of
State to request that two of each of the following Ordinances
may be supplied, if available, for the information of this
Department and transmission to the Government of India:—

Crown Lands Ordinance 1915 (referred to in para. 10 of
the Memorial which was communicated to the Colonial Office
with Sir T. Holderness's letter of 15th August 1919, No. J.S.P.
4017/19).

520/19

India Ordinance (referred to in para. 8 of Mr. Desai's
letter dated 16th March 1920, No. J.S.P. 2774, and
the Colonial Office with India Office, No. J.S.P. 2774).

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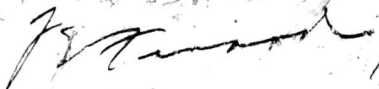
As regards the memorial copy of the Basins Committee

Under Secretary of State,
Colonial Office.

the Government of India's despatch of 17th June 1919, and
forwarded to the Colonial Office with Sir T. Holt's letter
No. 4927, dated 16th August 1919, I am to enquire
with reference to Mr. Herbert Read's letter dated 19th
November 1919, No. 47620, whether the information which was
required on certain points has yet been obtained from the
Government of the Protectorate, and whether a reply may now
be expected to the enquiries on particular points,
especially those referred (C) (D) and (E), contained in Sir
T. Holt's letter above cited.

I am, Sir,

Your obedient servant.



Secretary,
Colonial and Public Department.

I. O. 29306 E. A. P.

DRAFT

Secretary of State
Dept. I. O.

Ind
20-11-20
18/11/20

Downing Street,
6 July, 1920.

MINUTE.

- Mr. *Allen*
- Mr. *Bolt*
- Mr. Grindle.
- Mr. H. Lambert.

I am directed by Viscount Milner to acknowledge the receipt of your letter (J. & P. 2774/20) of the 14th June and to ~~forward to you~~ ^{transmit} for the information of Mr. Secretary, Montagu, and for transmission to the Government of India copies of the Crown Lands Ordinance 1911, the Mining Ordinance 1912 and the Mining Amendment Ordinance 1915 of the East Africa Protectorate.

- + Sir H. Read 18/11/20
- Sir G. Fiddes 29.6
- X Col. Amery 30/6
- X Lord Milner 3/7
- Crown Lands Ord 1915
- Mining Ord. 1912
- Mining Amendment Ord 1915

2. In reply to the enquiries in the second paragraph of your letter, on the subject of certain matters referred to in the Memorial which was enclosed in your letter J & P 4027/19 of the 15th August last, I am to make the following observations:

Appointment of Indians as Judges and Magistrates

This is not a matter on which the Governor of the E. A. P. was specifically consulted, as all appointments to the Civil Service in the

475.20/19
ref. to 9/12
partly as
officially & partly
cannot all do not
have full inf

East African Protectorates are made by the S. of S. for the Colonies.
It is customary to fill the higher appointments such as
Judgeships by the promotion of officers in the Legal Depts.
of the Colonies and the question of filling such a post by the
appointment of an Indian does not therefore arise at present.
As regards magistracies in E. Africa Lord Milner is not aware
that applications have been submitted by Indians in East Africa
for such appointments. If however, such applications are received,
they will be dealt with on their merits, and it would be
necessary to compare the applicants with other candidates who
are regarded as suitable for appointment as magistrates in the
E. A. P. Protectorates. It may be mentioned that ~~in any event~~
the number of these posts is very limited: the present
establishment in the E. A. P. is 7 and in the Uganda Protectorate 3.

Education

As Mr. Montagu is aware, Lord Milner has requested the
Govt. of the S. of S. to give close attention to the question of
increasing educational facilities and ^{to give} in this respect, full ^(Secret) on
consideration ~~should be given~~ to the claims of the Indian
community. In commenting on this part of the memorial, the
Acting Governor states that the allegation that the education (205)
of Indian children is neglected is not warranted. The extent
of the educational facilities which the Govt. is able to afford
to all sections of the community, must ~~necessarily~~ be governed
by financial considerations, and admittedly large sums
are required both for capital expenditure on school buildings
and for recurrent expenditure. The Acting Governor goes on to
comment in detail as follows:

The figures quoted in Paragraph 21 of the Memorial
are misleading. They conceal the fact that European schools
have

Executive
X
Apr J

As regards magistrates in
 Africa, do not think it
 it wd. not be practicable to
 appoint judges, who would
 necessarily have to preside
 in Courts when Europeans
 are parties to the case; and
~~in that event~~ only attempt
 to satisfy the aspirations
 of judges to app't in ^{the} ~~the~~
 legal dept as magistrates,
 when assuming that there are suitable candidates
 would undoubtedly ~~lead~~
~~to the strongest~~
 aggravate rather than
~~alleviate~~ ^{alleviate} ill-feeling between
 various sections of the
 community in Africa

Under present
 conditions, it is
 not likely to
 be successful
 and I do not
 think it is
 likely to be
 successful
 in the long
 run

have been from the first boarding schools while the Indian schools provide for day boarders only. They further ignore the considerably larger salaries required by English teachers as compared with Indians. Nor do the tables of attendance at the Government Indian schools go to show that there is any great demand for education in the higher standards, and at a prize-giving in the Nairobi School in December 1914 parents were asked publicly not to withdraw their children until a satisfactory standard of education had been attained. Nevertheless the following figures extracted from the Director of Education's annual Report from 1918-1919 indicated a decided apathy on the part of Indian parents:-

Standard.	Number of scholars.	
	Nairobi Indian School	Mombasa Indian School.
Substandards.	39	33
I.	33	28
II	36	20
III	27	15
IV	14	10
V.	5	4
VI.	5	5
		3
		123

Great steps have been taken by the Government to

provide similar elementary education to that given in Anglo-Vernacular schools in India. The codes of the Education Departments of Bombay and the Punjab were taken as models and curricula for the Urdu and Pujarati Sections of the schools were framed in accordance therewith. On receipt of complaints in 1910 that boys, on being sent to Kenya, were passing into a lower standard because the teaching of the Indian Vernacular was carried in Nairobi only as far as the Second Standard, the late Governor Sir Henry Selfield, gave instructions that Indian vernacular should be taught throughout the schools. The Head Indian Teacher at Nairobi states that boys proceeding to a school of equal standing in India pass into the same standard in which they were in school and often into the standard immediately above. This is attributed to their superior knowledge of the English Language. A recent Indian expatriate at Mombasa the following extract from a letter recently addressed to the Director of Education by the School Committee speaks for itself.

"In this letter, we are to offer to you our best thanks for the sympathetic way in which you have dealt with the matter, for it is obvious that you have taken a very deep interest in the education of our children - else you would not have taken the trouble of personally dealing with his resignation - and about with the competent and conscientious Teacher, Mr. ... and sympathetic Heads of ... we feel that the Indian Community in the ... have no reason to be uneasy about ..."

The

The statement that the encouragement given by Government to the Mombasa High School, which is being erected at the expense of the Honourable Abdul Rasul Allidina Visram has been negligible, is untrue, and is, I am sure, made without the concurrence of the donor. Your Lordship is aware of the conditions under which Mr. A. K. Visram's offer was accepted. The building has for various reasons hardly proceeded beyond the laying of the foundation stone, (which ceremony was performed by me at some personal inconvenience in January, 1919) but I am given to understand that the artisans and imported material have recently arrived from India and that the building may be completed during 1920."

Traveling Accommodations

Lord Milner discussed this matter with the Governor who informed him that there is no discrimination between races in the steamers of the Uganda Railway, Marine or in the first class compartments on the Uganda Railway, but that it is customary to label a certain number of second class compartments on the Railway "Europeans only" and others "Non-Europeans only". The Governor has been requested to arrange the return for the compartments in the second class which are now labelled "Non-Europeans only" to be labelled "Asiatics only". Apart from this alteration there appears to be no good reason to change the existing arrangements.

If there are any further points arising out of this correspondence on which any official desires specific information, Lord Milner will endeavour to ...

(Signed) H. J. HEAD.