

EAST AFR. PROT

19710

REC'D  
REC'D 30 MAY 14

19710

for  
Belfield 414

1914

1 May

East Africa Indian Congress

Last previous Paper.

see 90  
41140  
12  
3rd  
11535/14

Fords, with observations, 2 copies of minutes of a meeting held at Mombasa on 7th & 8th of March 1914 suggests it would well that aspirations of members should be checked at outset by an intimation from A/S that agitation on the same or similar subjects will not be sympathetically received.

To: Genl. R. G. Fildes

The general question was gone into at some length on 30. General. Pl see the letter to R.O. on that paper. I have not thought it necessary to put up with the papers referred to in that letter.

On the main question - representation in Council, please see paper (546) of 30. where Sir H. Belfield considers 11535/14

that an Indian member is not necessary because under the proposed revision of the administrative system there will be a strong official native affairs representative on the Council. I am afraid that this definite association of Indian & native interests will not satisfy

Next subsequent Paper.

90  
249959

COPY TO CAR 15 JUN 14  
Annual copy of the East Africa Indian Congress - 10 Apr 14  
90/11535/14  
27759

Satisfy the B. E. A. Indian Congress.  
If a good Indian <sup>candidate</sup> ~~representative~~ could be  
found I think it would be worth while  
to nominate him.

As regards making accommodations, they ask  
that if some changes are required for  
Europeans, others should be reserved  
for Indians. I do not see why this  
should not be done where possible. The  
doubt if it would be impossible to do it  
on every train.

Finaly July 1, Justice of the Peace  
H. No. 574/35552/10 & minute, 10th  
10/35069/10. The Governor replied on  
11/24/13 Govt point about Indian  
assessor (No. 41640/10) & said the  
matter would be covered by the following  
Civil Procedure Ordinance.

The resolution of the Governor, do not  
refer to the representations which appear  
to have been made in favour of better  
conditions of service for the non-European  
clerical staff (p. 11 of report of meeting).

It is a great pity that Mr. Pithel  
has deserted his Indian friends  
in South Africa, but I do not think  
we can reply quite so harshly as  
the Governor seems to desire in the  
last para. of his despatch.

In the first place I do not

A

B

of despatch & enclosure to J.O., copy  
that subject to  
reference to letters on 4/14/12 & 11/30/13,  
and say that subject to Lord Curzon's  
views the Government propose to call  
the Gov. to cause the Congress to be  
held that to be received the resolution  
that the matter referred to therein had  
previously been made his concern  
but that the report is unable to  
ascertain that there is any injustice  
- is involved in the present position  
of Mr. Pithel in the S.A.P.

W.S.  
25.6.14

H. J. R.  
5/11/14

Sir J. Anderson  
I. proved  
J. J. G. 26.11.14

As far as strongly in favour (if it is  
found practicable) of carrying out Mr.  
Borrowley's suggestions, <sup>at A+B</sup> I like the  
points mentioned to the S. C. as  
matters we are thinking of further  
corresponding about with the Gov. 6.8.6.14

EAST AFRICA PROTECTORATE.

No.414.

19710

GOVERNMENT HOUSE,  
NAIROBI.

BRITISH EAST AFRICA.

May 1st, 1914.

REC'D  
REC'D 30 MAY 14

Sir,

At the request of the Committee of the East African Indian Congress, I have the honour to forward, for the information of yourself and the Secretary of State for India, two copies of the minutes of a meeting held at Mombasa on the 7th and 8th of March 1914.

I had no previous knowledge of the formation of this body, neither have I now any information concerning it other than I have gathered from the text of the enclosed report. I am under the impression that it has been organised by the efforts of a Mr. Ritch whose speech will be found on page 8 of the enclosure. This gentleman arrived in this country some weeks ago, and I understand that he has been

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LEWIS HARCOURT, P.C., M.P.,  
SECRETARY OF STATE FOR THE COLONIES,  
DOWNING STREET,  
LONDON, S.W.

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5  
been addressing meetings of Indians in various places with the object of inciting them to demand recognition of rights to which he appears to consider that they are entitled.

3. It is unnecessary that I should trouble you with any lengthy comment upon the views expressed in the enclosure, as some of the questions raised have already received your consideration and others are of a nature which cannot be seriously entertained.

Gov  
11/2/11  
4. My views on the subject of Indian representation on the Legislative Council have already been communicated to you, and I do not propose to make recommendation in support of the suggestion.

5. The Indian community has for good and sufficient reasons been prohibited from acquiring land in the Highlands of East Africa, and this policy has met with your entire approval.

6. The definition of Indian locations in townships is a measure which is essential to the maintenance of health and sanitation. In cases of epidemic disease no portion of our fixed urban community is more obstructive to ameliorative measures than the Indian members.

7. A complaint on the subject of the reservation

reservation of accommodation for Europeans only on the Uganda Railway has already been addressed to myself and answered to the effect that the distinction is necessary because the habits of many Indian passengers render it impossible for Europeans to take long journeys in their company with comfort or convenience.

8. For obvious reasons it is neither necessary nor desirable that members of the Indian community should be placed on the same footing as the white population with regard to trial by jury, or that they should be vested with magisterial powers.

I have informed the Committee that the enclosures are being forwarded to you, and I venture to suggest that it would be well that the aspirations of the natives should be checked at the outset by an intimation from yourself which will leave them in no doubt that further agitation on the same or similar subjects will not be sympathetically received.

I have the honour to be,  
(15)  
Your humble, obedient servant,

*H. Carver, Esq.*

GOVERNOR.

Enclosure in Besh. No 414 of May 12 1914

# INDIAN CONGRESS

## MEETING AT MOMBASA

The first meeting of the British East Africa Congress took place in the spacious premises of Mr. A. M. Jivanji, in Mombasa, on Saturday and Sunday, the 7th and 8th March, 1914. The gathering was a very large and representative one and included delegates from all the important centres of the Protectorate. Nairobi alone sent nine delegates. A Reception Committee had been organised and was presided over by Mr. Abdulrasul Allidina Visram, and the arduous task of attending to the details of organisation was splendidly performed by Messrs. R. B. Patel and L. M. Savale. The proceedings on the first day were carried out in the large Reception Hall of Mr. Jivanji's residence. That gentleman had prepared a royal welcome to the delegates and his grounds as well as the hall were tastefully decorated for the occasion.

Punctually at 4 p. m. on Saturday, Mr. Abdulrasul opened the proceedings, which commenced with the singing of the National Anthem by Mrs. Savale. Telegrams were then read from various centres expressing congratulations and good wishes for the success of the Congress. Mr. Abdulrasul then addressed the delegates as follows:—

"As Chairman of the Reception Committee it is my very pleasant duty to open the proceedings by tendering you on my Committee's behalf the warmest of welcomes to the deliberations of the first British East Africa Indian Congress. The occasion is one for congratulations but also for sentiments somewhat less happy. To deal firstly with the more pleasing aspect of our gathering, it is a happy augury to be able to welcome delegates from practically all over British East Africa. This indicates that Indians far removed recognise a community of interest and a duty to take their share in the consideration of question affecting the community as a whole. It is much that this solidarity is evidenced, because it indicates that there is both harmony existing among the various sections of which our large Indian population is composed as well as no lack of public

spirit and public conscience. Our deliberations will, I am sure, be conducted with due earnestness and consideration of the very important subjects that will be submitted to you by the President of the Congress. This brings me to the other and less happy aspect previously referred to. While it is a matter for congratulation that we are strong enough and united enough as a community to meet in Congress it is nevertheless a matter for regret that occasion should have arisen calling for the deliberations upon which the President will shortly ask you to enter. The President, whom I do not wish to anticipate, will in course of his duty indicate to you certain grievances under which our Indian community finds itself labouring. It does not fall within my province to do more than make this passing reference to their existence. I will only say that unhappily our people to-day suffer from disabilities which have only comparatively lately been imposed and which not so many years since were unthought of. I need hardly tell you that the Indian is the pioneer community of this Protectorate. That our people have done the spade work which has made progress in this country at all possible. That we count among our people some of the most intelligent and public spirited within the Protectorate. That vested interests of the Indian Community run into huge sums of money and that our claims to equality of treatment are irresistible from considerations both of justice and equity. We desire no more than recognition of these claims to fair and impartial treatment. We claim no undue advantages, but we do most emphatically resist and intend at all times to resist, encroachments upon these rights. Gentlemen, I repeat on behalf of the Reception Committee my hearty welcomes and venture to express the earnest hope that our deliberations will be in every respect profitable to the objects for which we have gathered together.

"Gentlemen, will you now proceed to elect your President?"

The delegates then proceeded to elect the President of the first British East Africa Indian Congress and with one voice that choice fell upon Mr. T. M. Jivanji.

### THE PRESIDENTIAL ADDRESS.

Rising amid great applause, that gentleman addressed the Congress as follows:

"My first duty is to thank you, as I do from the bottom of my heart, for the honour you have done me in electing me the first President of the British East Africa Indian Congress. My second to endorse the satisfaction expressed by the Chairman of the Reception Committee at the very representative character of the Congress and

the public-spirited response of our community, particularly those located in the districts more distantly removed from Mombasa. This augurs well for the future of our movement and also indicates that the time has arrived for the careful consideration by a representative body of the position, present and future, of the Indian settlers in the Protectorate.

"The object of our Association or Congress is primarily to defend against attacks on the rights and interests of our people in British East Africa; to maintain a watchful regard upon and to combat legislation which, in our opinion, may constitute an encroachment upon or derogation of the rights enjoyed in this colony by our people from time immemorial. Gentlemen, in speaking of 'rights' I do not overlook the fact that duties and rights must ever be bracketed together.

"Are we Indians a dutiful people? I think we may fairly claim to be so. Our loyalty to, our pride in our membership of, our great Empire needs no emphasising. India, our dear motherland, is still the brightest jewel in the Imperial Crown. We appreciate the privilege of membership of that vast Empire and it is largely because of our appreciation that we desire to jealously guard the rights that our membership confers. I venture to submit that we Indians have not ill-performed our duty as loyal, industrious, enterprising and law-abiding subjects of the Crown in British East Africa. I think that I may say, without laying myself open to a charge of exaggeration, that Indians are responsible for a large, a very large, share in the pioneer work of opening up and developing this Protectorate. The Right Honourable Winston Churchill, and many distinguished gentlemen of extensive experience who tendered evidence to the Sanderson Committee of 1910, paid us the compliment of adopting this view. Indeed Sir John Kirk, whose knowledge of the Protectorate dates back nearly half a century, volunteered the statement that "but for the Indians we (the Europeans) should not be there now". Of course, gentlemen, we do not claim to have done what we and those who preceded us have done in the way of opening up and developing the country as philanthropists. We are first and foremost business men, but to penetrate into strange and savage lands, even with business motives, demands a measure of courage, enterprise, self-denial, and general strength of character, qualities of which I venture to think we Indians may be pardoned for claiming to possess a share. Statistics prove conclusively that we Indians have acquired a considerable stake in the country of our adoption, and that our people constitute a factor in its future history and development which cannot be ignored. In regard to numbers, in the matter of property held by



Indians, in the volume of commerce direct or controlled by Indian energy and Indian capital, in respect of the skilled artizan labour busily engaged in erecting and expanding centres of industry and commerce throughout the Protectorate; in regard to all that is embodied in the term 'enterprise,' we may, I think, honestly claim that Indians are not behind-hand in fulfilling their duties to the State and their contribution towards the building in East Africa of a fair centre of modern civilisation. We have always been proud of our character as a law-abiding and industrious community. If, gentlemen, I have given precedence in my address to the consideration of our duties, it is perhaps because with us Indians it is almost instinctive to place duties first and rights afterwards. It is an article of faith with us that they who do not recognise and fulfil their duties have no claim to rights. It would, I think, be very difficult for any critic to substantiate a charge against the Indians who preceded us, or against those of our own generation, of failure to fulfil the duties of good and loyal citizens. We recognise that citizenship involves both performance and forbearance, positive acts and self-restraints; that the Empire to which we are proud to pay allegiance is composed of heterogeneous elements and that allowances have constantly to be made for points of view which are the result of a somewhat different line of growth and education from those along which our own people have proceeded. And this brings me, gentlemen, to the subject of our duties to ourselves, the duty of the safeguarding of our rights as a community. That is a duty we owe to the State likewise, the State in which we claim to be an integral and a not unimportant factor. We owe a duty to the State to see that neither by any act of commission or omission, of neglect or indifference on our part, is injustice done towards any section of the people. Had there been no indications, no storm-signs, suggestive of such a danger, we should probably not be here to-day; our Congress would in all likelihood never have been called into being. Now, I propose, with your permission, to submit what I myself consider to be the bed-rock principle, the touchstone, the final test upon which and by which we are to determine whether any legislation or treatment by the Government is to be regarded as acceptable to us or not. Indians must have in the fullest degree perfect equality in the eyes of the law with their European fellow settlers. We cannot, dare not, acquiesce in any differential legislation directed against our people on the ground of origin, language, race, colour or creed. That gentlemen, should, in my opinion, be the principle by which our attitude towards all future legislation and administration should be governed and guided. Any departure from this principle, any paltering with it, any coquetting with policies of expediency, as opposed to principle, should be resisted

might and main. This principle must be regarded as the charter of our liberties. It has been assured to us by public proclamation again and again and is too precious a heritage for us to have it tampered with. We have observed how in other portions of His Majesty's dominions this principle, on which I venture to lay the strongest emphasis, has eventually been trampled into the very dust, because they who should have resisted any, even the smallest, departure from it, foolishly permitted it to be trifled with at the behest of expediency. We have seen how dangerous is the way and rapid the descent into degradation once the Indian people assent, even tacitly, to the principle of differential treatment, of racial and class discrimination. There can be no such assent by the Indian people of British East Africa or of this Congress which has been constituted to give expressions to their views. On the contrary, it will be our duty to protest whenever occasion may demand, and to resist by every lawful means, any and every attempt to differentiate at our expense between the legal status and treatment of ourselves and the status and treatment of our European fellow Colonists.

"Have we at present any grounds for our fears? I am afraid we have. Take firstly the principle as it affects Indian representation in the legislature of this Protectorate. It is, of course, true that the selection of the non-official personnel of the legislature is a matter that rests with His Excellency the Governor. But, is the fact that since 1912 there has been no representative on the Council of our people or their interests due to His Excellency's own disinclination to have us represented? Or is it rather due to an insidious tendency to disregard or overlook the claims of Indians to be accounted of equal importance with their European fellow settlers? It is certainly not due to any decrease in the number of the Indian population or in the amount of money contributed by us to the country's revenue. Nor do I venture to think is it due to any difficulty experienced in finding a person or persons qualified and willing to represent Indian interests. The conclusion I am reluctantly and sorrowfully driven to adopt is that racial prejudice is getting its first deadly grip on this country, that the presence of Indians in the Council Chamber is regarded with disfavour by Honourable Members of European birth or origin; that Indian rights and interests are not now accounted of quite as much importance as are the rights and interests of European settlers. Now, gentlemen, this is a dangerous precedent and if my diagnosis be correct, as unfortunately I fear it is, it is indicative of a good deal of future trouble for our people. This absence of Indian representation in the councils of the Colony seems to me to be a very vital question. It is in flagrant contradiction of the principle we are pledged to maintain and also of the axiom that representation is a

necessary concomitant of taxation. I do not overlook the fact that a small minority of Indians in the Council might have practically no power as a party. But that is not the question. It does not follow that an Indian member, or members representing Indian interests would necessarily form a party, or vote together on all questions. The important point is that the status of the Indian Community should be recognised and that racial discrimination should carefully be avoided and discouraged. If this is done in high places it will almost certainly be done lower down the scale. We have an abhorrence of what Lord Morley called the "bar-sinister" and a natural fear that by-and-by we Indians may come to be regarded, not as children of the Raj but as step-children, whose room is preferable to their company. Therefore, we realise the importance of scotching this threatened danger in its infancy, lest it grow too powerful and overcome us.

"There are other matters to which I think it is my duty to refer, certain disabilities affecting our people as a race or class which are important, not only from the point of view of the principle involved but also because of the practical inconvenience, discomfort, and monetary loss to which they give rise. I shall refer to them only very briefly, because they are already sufficiently well known to you in detail. There is the matter of certain Crown lands, in respect of which discrimination is made, which operates or may operate harshly against Indians. There is the very serious proposal to deprive Indians of the right to freely choose their places of trade and residence in the capital town of Nairobi. In regard to this let me say at once that we do not desire to obtrude ourselves into any particular residential quarter already occupied by Europeans and which, they being in occupation, do not desire to share with us. We are anxious to respect the prejudices of others, provided that they are courteously conveyed to us. We hope to live down any prejudices to which we may unwittingly have given rise, but we must be careful to distinguish between proper consideration for the feelings of our European fellow-colonists and the sacrifice of any jot or tittle of our principles. We must and will oppose any attempt to shut us out of the open property or other market, to deprive us of equality of opportunity, because of our race, creed, or colour. Also, there is the matter of accommodation for Indians on steamers and railways, the question of trial by jury, and of the eligibility of Indians to the magistracy. In each case it is the same vital principle for which we are contending. We want no favours shown to uncleanness, or to individuals who ignore the recognised canons of decency and sanitation. The law is, or can be made, strong enough to deal adequately with all, such, without its

being racial or class legislation; because it is a truism that no race or people has a monopoly of all the virtues or all the vices. Gentlemen, the Indian people has a great and noble past. I believe we have an even greater future. We have spread into the remotest corners of the globe and I believe that the consequences of our contact with our fellow subjects of Western origin will ultimately prove to have wrought mutual good and profit. In our dealings with our neighbours from the West, let us be guided by moderation and a proper respect for their point of view, but this we may do consistently with unwavering loyalty to the duty we owe to ourselves as Indians and with fealty to the principle which I have ventured to enunciate and of which I am confident I shall have your support." (Applause.)

The delegates thereafter went into Committee and discussed the order of procedure for the following day. Besides the delegates, a very large number of the Mombasa Indian Community was present and followed the proceedings with the closest interest.

On Sunday, the 8th instant, promptly at 4.30 p.m., the British East Africa Indian Congress resumed its adjourned proceedings. The gathering was so large that it was deemed advisable for the session to be held in the spacious grounds of Mr. Jivanji's residence, the hall having been taxed beyond its capacity on the previous day. These precautions were well taken, as the number present was even larger than that of the previous day. Proceedings were resumed by the President reading to the assembled gathering the notice announcing the death of Lord Minto, and as a mark of respect the whole gathering rose to its feet and acquiesced in silence in the following resolution:

"In view of the death of Lord Minto, late Viceroy and Governor-General of India, and a staunch supporter of the Indian cause, this meeting takes this opportunity to express its sincere and heartfelt condolence to Lady Minto and to the members of the family.

A cablegram conveying this has been duly despatched to Lady Minto and the other members of the bereaved family.

The National Anthem having been sung by Mrs. Savala, that lady first addressed the meeting and in her remarks devoted herself to the necessity of the Indian people realizing their duty to their country and urged upon her hearers loyalty to the noble traditions of the Motherland, offering a high measure of praise to the women of South Africa who had achieved such splendid work in the recent struggle. The lady's address was warmly applauded.

### MR. RITCH'S SPEECH.

The President then invited Mr. Ritch to address the meeting, he having been specially requested to attend the Congress as he was in British East Africa. Mr. Ritch said:—"Mr. President, ladies and gentlemen,—It affords me the very greatest pleasure to be able to attend the first Congress of the Indian of British East Africa." The speaker then referred to his extensive association with the British Indians of South Africa and expressed the hope that he might be permitted to be of some small service to his Indian fellow subjects as long as he remained in this Protectorate. He humourously informed his hearers that he was liable to be suspected of interested conduct in taking up the cause of a people to whom he was popularly supposed to be a stranger and he recalled how thoughtless members of his own people (the European Community) had not hesitated to regard him as a traitor to his race. Mr. Ritch proceeded to explain, however, with a great earnestness, that he based his conduct and had tried to frame his life upon his faith in the Fatherhood of God and the brotherhood of mankind and that he felt it to be his duty to the Empire to which he was proud to claim allegiance to speak out without hesitation and without fear against abuses by the stronger against the weaker, wherever and whenever he found them. He thought it truer patriotism to point out to his fellow countrymen such wrongs as he considered they might unwittingly be doing, because he felt that the consequences of injustice and of failure to live up to the high ideals that had been set by the Empire's noblest thinkers and greatest statesmen, must assuredly react upon the people responsible for them and so produce a future fraught with evil consequences. He claimed to be jealous of the good name and the fair honour of his country and to be performing a service by pointing out and protesting against wrongs, such, for instance as had been perpetrated in South Africa. The speaker quoted Kipling's dictum about East and West never meeting and ridiculed the popular interpretation of the dogma. He submitted that East and West were complimentary halves of the great whole, that each had learnt much from the other and that each had still much to learn from the other. He thought the Indian, with his habits of industry and thrift, and above all, with his strong religious and philosophical instincts, was rendering the more materialistic and improvident West an invaluable service. On the other hand the West had done much to arouse the East out of the lethargy into which it had apparently fallen. There were, of course, differences, but the two peoples had much in common and it should not be difficult for them to learn to understand one another better and by mutual toleration and above all by a sympathetic appreciation of the human attributes common to

both to arrive at a state of intelligent co-operation. He understood that the Indians of the Protectorate complained of certain disabilities and that they claimed equality of opportunity and equitable treatment as their just due. The speaker confessed that he could not see how this claim could fairly be resisted. He quoted the Calvin case, the Queen's Proclamation of 1858, Sir G. Napier's Proclamation on the annexation of Natal in 1843 and the views expressed in more recent times by Lord Morley, Sir Charles Eliot, Lord Amphil, and Mr. Joseph Chamberlain, and claimed that those who pleaded for equality of treatment on behalf of their Indian fellow subjects, were doing so in excellent and numerous company. The speaker turned to South Africa, and gave his audience an outline of the gradual decline of the Indian status in that part of the Empire. He reminded his hearers that if they wished to preserve their rights in the Crown Protectorate of British East Africa, they must carefully watch any attempted derogation of the rights presently enjoyed and that what might appear to be the most innocent interference might be used as a vicious precedent for further encroachments. He was glad to see that the Congress had adopted as its main plank the principle of equal rights in the eyes of the law for all civilised subjects of the Crown, without distinction of race, creed, or colour. He had no wish to see the Empire consist of, on the one hand, a dominant class and on the other a class of helots. No Empire had yet in the World's history thriven on a substratum of injustice perpetrated against a particular section of its people. Righteousness, he thought, alone profited a nation and any Government that sacrificed the principles which had been tried and tested throughout the ages for expediency which subverted those principles, was doing a great disservice to the country over which it had the misfortune to rule. Government, to be worthy the name, must be in the interests of the governed and in the interests not of one section only but in the best interests of all and, therefore, he was delighted to observe that this Congress had taken its stand upon the principle of equality of treatment for its Indian population. He warned the Congress that they must not consider their labours ended when the speechmaking and the passing of resolutions were concluded. The work of organisation only began at that point and united persistent work would have to follow, in order that their opinions and desires should result profitably. He had no doubt that representations made in the proper quarters, coming as these representations would do from a well-organised body representing the whole Indian population throughout the Protectorate, would be received with the utmost respect and meet with the most careful consideration. He cordially placed his services at the disposal of his Indian friends and wished the movement the fullest success.

**MR. PALTANWALA'S SPEECH.**

Mr. Paltanwala in proposing the second resolution said :

GENTLEMEN.—In my opinion the President in his address very properly gave pride of place to this question of Indian representation on his Excellency's Council. We want our status as a community entitled to fair consideration recognised. The best form that consideration can take is to give us adequate representation in the Legislature. As the President pointed out, no taxation without representation, is a political axiom wherever the Union Jack flies. I think we are entitled on the score of intelligence and of the property qualification to claim this right of being represented, and such representation should, in my opinion, take the form of the nomination of at least some Indian gentlemen best qualified for the honour of sitting in the Legislature and sharing the public duty of its labours. In regard to the other grievances referred to in this resolution, these I think would automatically disappear and it will be, I think, the opinion of this Congress that they will have to disappear once the principle of equal rights as between Europeans and Indians is recognised.

I should like in this connection to invite attention to the practice, which appears to be growing, of giving undue preference in the subordinate departments of the Civil Service to young Europeans at the expense of the Indian servants. I am afraid that there are numerous instances where competent Indians have been superseded by Europeans at a salary considerably in excess of that paid to the former, although the Indians so superseded were fully competent to perform the work entrusted to them by those placed over them.

I submit that the Indian section of the population is entitled to an equal chance of the good things going, as well as to the lowlier posts of the service and that this matter should receive the attention of the Administration. In this and in every other matter the test of promotion should, in my opinion, be merit. A man should be judged on his merits and not on consideration of his race, his colour or any of such similar details which have no bearing upon his fitness to the public service. My argument applies equally to the filling of vacancies in the public services when such occur. I am afraid here likewise such vacancies are not always dealt with in the impartial spirit that should be characteristic of a British Administration. If a European wins on merit, good luck to him, but let the competition be fair and be a question of merit and not of racial favouritism. There is also the question of two scales of pay. I would draw the attention of the Congress to a representation made by the

members of the Non-Europeans subordinate staff of the British East Africa Civil Service as far back as 1st September, 1913.

1. Revision of scale of salaries.
2. Pensions : 50 years' age limit, 30 years' limit.
3. Leave of absence : voyage days to be on full pay and to count for leave.
4. Leave pay : full salary to be paid.
5. Sick leave : three-quarter salary.
6. Sea passages : second class to be given to all clerks.
7. Railway travelling : second class to all.
8. Travelling allowance.
9. Subsistence allowance to be Rupees 3 per night.
10. Security to be at 10 per cent per mensem and deposited in the bank.

To this representation no definite reply has so far been given. I appreciate that this is touching upon a very delicate subject, because we have to recognise that the practice, whether good or bad, is followed in India. I mention it, however, because it is in my opinion an unsound practice and is not a good one, because it follows what I think is a bad example. The labourer is, we are told, worthy of his hire and I think it would be sound policy on the part of the Government if it encouraged Indian servants by letting them feel that the higher branches of the service were open to them, provided that they qualify themselves for such higher appointments. Again, I say, that the test should be merit. Let us get no more than we deserve or earn, but let us at least get no less. Above all, let us not admit the vicious principle of racial discrimination, because I for one deny that I belong to a race or people that is inherently inferior to any other in the world. My argument will apply equally to the question of Indian Magistrates and to the question of Indian Juries and also Indian Visiting Justices. Without taking India as an example to be followed slavishly, I may point out that in India the principle of appointing Indian Magistrates and even Indian Judges is an established and time-honoured one; and I may add that Mr. Justice Ameer Ali, who sits on the Judicial Committee of the Privy Council, is an Indian gentleman whose race, colour and religion are not regarded as in any sense affecting his qualifications for filling the highest judicial post within the Empire. As you are aware the

Judicial Committee of the Privy Council is a Court of Appeal from all the Dominions and Crown Colonies, including Australasia, Canada, South Africa, India, etc. Why should Indians, who have done so much of the pioneer work of the Protectorate and who are daily contributing their share towards its development, not have equal opportunity with European settlers of acquiring land and of trading and residing, without restriction? I recognise the existence of prejudices, but I think that the Indian population of this Colony will eventually show that existing prejudices are unjustified. There is every reason to believe that with increased understanding such prejudices will disappear, but they will not disappear if artificially fed and encouraged. Prejudice is a sentiment of which no intelligent people is proud. The sunlight of truth and of reason is what we want letting in upon the fog of prejudice. Indians and Europeans have been destined by Providence to live side by side, let them therefore try and understand each other in a spirit of sympathy and not allow sordid and unworthy considerations to drown the claims of higher principles and Imperial considerations.

I think this Congress is going to do a great and important work and that those who have laboured to bring it about deserve our very best thanks. I would like to add my congratulations to Mr. Jeevanji upon the high honour of being elected its first President and to express the profound hope that its deliberations may be blessed with abundant fruit. Speaking as a Delegate from Nairobi, I tender it my hearty and loyal support.

In concluding my speech I might say that it will be a good plan if future Congresses would be held at different important places within the Protectorate and perhaps the Committee will consider the desirability of holding the next Congress at Nairobi.

#### MR. CROSS'S SPEECH.

Mr. Cross, who was cheered on rising, said:

MR. PRESIDENT, LADIES AND GENTLEMEN,—

Personally I feel extremely delighted to see such a large and representative gathering from all parts of the Protectorate, proving unmistakably as it does, the keen interest that is being taken in the inauguration of this our first Congress in British East Africa.

It must be apparent to all present that the time has arrived when we should act conjointly and approach the Government to

concede to us our rights and privileges as British Indian Subjects, which have, since 1858, been granted to us by Royal Proclamation.

I would remind you that to obtain these rights and privileges it is necessary for us to approach the Government with respectful but firm language.

But mere talk, which has been indulged in by our Community for no little time past, is practically productive of nothing much more than loss of breath. We aim at producing concrete results: we want our rights recognized in a practical manner and that is only likely to happen if the expressions of our opinions, which are all admirable in their place, are followed by steady and determined work.

The work will only begin when this Congress rises and will have to be done by the Committee, whose members will be called upon to make sacrifices of time, labour and money.

It is only by such persistent spade work that we can hope to induce the Government to concede our demands.

It must be clear to any reasonable mind that the Community that contributes to the Revenues of the country in the measure that does the Indian population of this Protectorate, is entitled to fair, equitable and adequate representation, and no considerations of race and colour should be allowed to operate against Indians being invited to sit on His Excellency's Council, unless, of course, it could be shown that there were no members of our community who are qualified in other respects to share that duty and privilege.

In my humble opinion the Indian Community does possess individuals qualified and competent to represent it and therefore the point should be conceded.

The same appears to me to be true in regard to other posts and offices to which reference has been made by previous speakers.

I also wish to enter my protest against distinctions based upon prejudice against any one on the score of his complexion or the country in which he happened to be born. Experience has proved conclusively that Indians have been able to hold their own in most, if not all the fields, professional and industrial, where they have entered into competition with their fellow subjects from other parts of the Globe.

Surely a good Doctor is not the less a good Doctor because his skin be dark, or Hindustani the tongue his mother taught him? And virtue or vice become nothing else than what they are whether they

be enshrined in a brown body or a white one. The simple fact is that such differences are incidental and not essential.

Looking ahead, I venture to say that the generation of the future will look with horror and amazement upon their ancestors, who foolishly treated people of their day not on their merits but because of the colour of their skin or the part of the Globe in which they first drew breath.

I think that in drawing the attention of the Ruling powers to these matters our Congress is doing an Imperial service, because it seems to me that the integrity of the Empire depends upon the contentment of all sections of its people; and who shall say that India with its 300 millions is not an important factor in this great Empire of ours?

Moreover, can such an attitude as that with which we are threatened be defended on religious or ethical grounds? England professes to be a Christian nation and sends her missionaries the world over to uplift the backward races of the world, and our religion teaches us that we are all children of The One Heavenly Father, judged by Him on our merits and not by our complexion or the land we were born in. Either these religious professions are true or false, either sincere or insincere! We have a right to ask whether practice squares with theory? If it does not, there is something wrong with either the one or the other.

As a Christian, I believe that the principle taught in Christian Doctrine is wholly sound and true and, therefore, what is wrong is with the practice; and if Christian nations desire to avoid a charge of hypocrisy they must in their dealings with us bring their practices into harmony with their professions.

There are many grievances that have come to my personal knowledge. I refer for instance to the complaints of prisoners in the jails which would, I am sure, be better dealt with if Indian Visiting Justices were appointed and were available to Indian and African prisoners.

It would be a decided advantage to have Indian Justices of the Peace appointed likewise. It is only fair that the Indian Community should not be ignored in this respect.

A truly grievous matter is that Indians are not eligible for Jury service. After all an Indian Jury, or a Jury on which Indians were represented, would be better qualified to understand Indian motives and the workings of the Indian mind than purely European Juries,

and this I think would greatly assist and facilitate the Administration of Justice.

While we have no desire to obtrude ourselves into company where we are not wanted, it is difficult to see why, in the name of justice, respectable Indian passengers should not be provided with adequate Railway accommodation in any class by which they choose to travel; and I desire as a delegate to protest against the offensive labelling of the very best compartments with the announcement "For Europeans only." Let the Administration pay us the same compliment, reserving equally good compartments "For Indians only." People who transgress the recognized rules of cleanliness and decency can be dealt with without insults being levelled against a whole Community. I am not aware that any particular race or class has a monopoly of cleanliness or the reverse. Individuals offending can be dealt with in their individual capacity. There is no justice in making the innocent suffer for the guilty. I fully agree with the views expressed by Mr. Pultanwallah in regard to the differential treatment of the Indian Civil Service and I think that Indians are not fairly treated as compared with Europeans in regard to the regulations affecting leave, increments, house rent, pensions, etc.

Making every allowance for the engineering skill and for the able minds that made our Railway possible, much credit is due to the tireless hands of the Indian operatives, without whose sturdy labour the scheme would have even now not got beyond the paper stage.

It is also desirable to make reference to what appears to be unfair treatment meted out to Indian lessees of Shambas in Nairobi and adjacent thereto. I understand that in some instances the lessees in question were granted leases for 10 years, with the understanding that in consideration of improvements being made these leases would be renewed on their expiration and that the lessees are now threatened with a refusal of such renewal. If this be so, it is undoubtedly a wrong which calls for redress.

I wish to pay my tribute to those who are responsible for the labour of organizing the Congress and to add my prayer to the many already offered up, that it may have a long and useful life and a career of service, not only to the Indian people who have made this Protectorate their home, but also to the Empire, which we are proud to proclaim ourselves as loyal, peaceful and law abiding subjects of His Most Gracious Majesty The King.

## RESOLUTIONS.

The following resolutions were then unanimously adopted :

(1) "That this meeting of the British East Africa Indian Congress resolves to adopt as its fundamental principle the right of the Indians lawfully settled or residing now or henceforth within the Protectorate to complete and full equality of treatment in the eyes of the law and pledges itself to oppose by all lawful means any attempt at encroachments upon its rights."

Proposed by Mr. Rustomjee Matha, seconded by Mr. Jaffer Dewjee, supported by Mr. Mahomed Hansraj, Mr. Nesser Virjee, Mr. L. M. Savale, and unanimously carried.

(2) "This meeting of the British East Africa Indian Congress resolves — That the attention of His Excellency the Governor be respectfully drawn to the absence of Indian representation on the Legislative Council, and that His Excellency be respectfully appealed to adequately remedy this deficiency. That this meeting further desires to respectfully call His Excellency's attention to the other Indian grievances referred to in the speech of the President of the Congress and to request that steps be taken to remedy those or any other grievances arising from differential treatment between Indians and Europeans."

Proposed by Mr. Paltanwalla, seconded by Mr. Gurdatsingh, supported by Messrs Esonjibhai, Ramratan, Cross and R. B. Patel, and unanimously carried.

(3) "That this meeting of the British East Africa Indian Congress resolves that copies of these resolutions be forwarded to His Excellency the Governor, the Secretary of State of the Colonies and the Secretary of State for India, with a covering letter to His Excellency the Governor, requesting him to kindly remit the same with His Excellency's favourable recommendation."

Proposed by Mr. Hasambhoy, of Kisumu, seconded by Mr. Veld, of Jinja, supported by Messrs. R. B. Patel and Shaik Nurudin, and unanimously carried.

The President desired to express thanks to an unknown subscriber for his subscription of Rs. 10 to the funds of the Congress. Subscriptions voluntarily came in amounting to nearly Rs. 4,000, and after the election of the Committee for the carrying out of the work of the Congress had been concluded, three cheers were given for the President, and the proceedings terminated with three cheers for the King Emperor.

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- Mr. B. H. H. 11/4/14
- Mr. Reid 12/4
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

For 414  
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1 May

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Sir,  
 With reference to the letters from the Dept of the 17<sup>th</sup> of January and the 18<sup>th</sup> of April 1913, I am directed by Mr. Secretary Harcourt to transmit to you, to be laid before the Members of Council, the accompanying copy of a despatch, with enclosure, which has been received from the Govt of the East on the subject of the recent meeting of the East African India Congress.

2. Mr. Harcourt proposes, subject to Lord Curzon's views, to instruct the Govt.

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