

EAST AFR. PROT.

27759

REC'D  
REG'D 19 JUL 14

27759

India

45

1914

29th July

Last previous Paper.

Gen.

19/10  
11242  
13

POSITION OF INDIANS

States not aware of any justification for assigning British Indians who are not indentured labourers a status inferior to other classes of H.M.'s subjects. Hopes this will be borne in mind when dealing with grievances. Raises questions of Legve Council, railway accommodation, settlement in Highlands, and Indian Assessors.

Mr. J. Anderson

In replying to the J.O. I think that we had better ignore para. 4 of the letter, as we do not intend to give way - see minutes on J.O. 1/11 below.

With regard to the last sentence of the l<sup>tr</sup> send the J.O. a copy of the Criminal Procedure Ord<sup>n</sup> 1913 & call attention to Sections 261 & 262 which admit of the app<sup>t</sup> of Indian assessors? - & say that the

Adm. [Congo Conference] 10 Aug 14

Next subsequent Paper.

44800.

for will be asked what progress  
being made with the Civil Procedure  
Ord<sup>ce</sup> - see Law 11342/13

- + send copy of concep<sup>n</sup> to the  
for<sup>er</sup>, writing as proposed in the  
2<sup>nd</sup> para: of our L<sup>tr</sup> of the 15<sup>th</sup>  
of June + instructing him as  
proposed in the last para: of that  
L<sup>tr</sup> - + require with refer<sup>ce</sup> to  
Law 11342/13 how matters stand with  
refer<sup>ce</sup> to the Civil Procedure  
Code?

The L.O. is  
from [unclear]  
[unclear]  
H. J. R.

H. J. R.  
1/8/14

I agree as to  
assessors

CB. 4/8/14

At once  
14. 4. 8. 14

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. 2249.

C O  
27759

REC<sup>d</sup>  
29 JUL 14

INDIA OFFICE,

46

WHITEHALL,

LONDON, S.W.

29<sup>th</sup> July 1914.

Sir,

I am directed by the Marquess of Crewe to acknowledge the receipt of Mr. Redd's letter of <sup>you</sup> 15th June, No. 19710, on the position of British Indian subjects in the East Africa Protectorate.

2. In the Protectorate the position of British Indians is not complicated by the existence of indentured labour or of the self-governing powers possessed by a Dominion, and His Lordship is not aware of any justification for assigning in the Crown Colonies or Protectorates to British Indians who are not indentured labourers a status in any way inferior to that of any other class of His Majesty's subjects resident in the Colony. It is hoped that this principle will be borne in mind by the Governor in examining any grievances that may be laid before him.

The Under Secretary of State,  
COLONIAL OFFICE.

3.

3. His Lordship welcomes the intention of Mr. Secretary Harcourt to ask for further examination of the questions of Indian representation on the Legislative Council, and of railway accommodation for Indians.

4. With regard to the exclusion of Indian settlers from the Highlands, I am to invite a reference to the 5th paragraph of Mr. Montagu's letter of the 22nd March 1911.

5. His Lordship notes that the Congress spokesmen do not make any complaint with regard to poll-tax or licenses - two matters discussed in Mr. Read's letter of the 17th January 1913 No. 41110 - but that the questions of service on juries and eligibility to the magistracy are again raised.

In this connection I am to enquire (with reference to your letter of the 18th April 1913, No. 11342) whether any provision has yet been made for the appointment

9.0  
9490  
11

9.0  
41140  
12

4.00  
11342  
13

*appointment of Indian assessors in Courts of Law.*

*I have the honour to be, Sir,*

*Your obedient Servant,*

*J. W. Holderness*



50

10 Aug 44

Ans'd / 44 800

DRAFT.

~~E.A.P.~~ Mr. Conf: Sir,

With refer<sup>ce</sup> to your despatch No 414 of the 1<sup>st</sup> of May I have the honour to transmit to you the accompanying copy of a report with the India Office regarding the Indian Congress which was held at Bombay in March last of this year.

MINUTE.

- Mr. Read 7 Aug.
- Mr. Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

J.O. to J.O. 15 July (19710)  
J.O. to C.O. 29 July (27759)

2 5/16

2. I request that you will

will cause the Cte of  
the Congress to be inf-  
that the Resolutions  
passed at the meeting  
of the 8th of March  
have been recd., that  
the matter referred  
to in them had  
previously been under  
my consideration, but  
that I am unable to  
admit that any injustice  
is involved in the  
present position of the  
Indians in the Proct<sup>n</sup>  
3. I have ~~hoped~~  
You should, however,  
~~request you to give~~  
further consideration to  
the

the question of nominating  
an Indian member to  
the Leg<sup>ve</sup> Council  
sh<sup>d</sup>. a suitable candidate  
for the position be  
available at any time,  
50  
& also to the request  
that railway accommod<sup>n</sup>  
sh<sup>d</sup> be reserved for  
retirees of India.  
4. I should be glad  
to learn, with refer<sup>ce</sup> to  
your conf. des<sup>p</sup>. No.  
24 of the 4th of March,  
what progress is being  
made with the draft  
of the Civil Procedure  
Ord<sup>ce</sup>.  
I etc.  
(Sig<sup>l</sup>)

J.O.  
27759

S.A.P.

gl

10 Aug 4

DRAFT.

The Under Secy of State.

J.O.

MINUTE.

- Mr. Read. 7 Aug 4
- Mr.
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Lord Emmott.
- Mr. Harcourt.

Sir, I am directed by Mr Secy Harcourt to ack. the recd of 7<sup>th</sup> 1<sup>st</sup> of the 29<sup>th</sup> of July (S.A.P. 2249) on the position of British Indian Subjects in the E. Africa Prot<sup>ec</sup>.

2. With refer to the last sentence of the letter I am to transmit to you

Mineral Procedure Ord<sup>r</sup> 1913

2876



you a copy of the  
Criminal Procedure Ord<sup>ce</sup>  
which has been recently  
passed in the Prov<sup>ce</sup> &  
to request you to call  
the attention of the  
members of Council to  
Sections 261 & 262 from  
which it will be seen  
that provision has been  
made for the app<sup>nt</sup> of  
Indian assessors.

3. With refer<sup>ce</sup> to the  
L<sup>tr</sup> from the Sec<sup>y</sup> of  
the 13<sup>th</sup> of April 113 the  
Sec<sup>y</sup> of the S.A.P. will  
be asked to state what  
progress is being made  
with the <sup>(draft of the)</sup> Civil Procedure

Ord<sup>ce</sup> (Signed) H. J. HEAD  
for the Under Secretary of State