

In view of the terms of the P.O. letter I fear I am not in a position to press the matter

1911

EAST AFR. PROT.

9190

C/O 3400 23 MAR

India

Date 1911

23 March

at previous Paper

No 6554

Position of Indian Subjects

Submit observations & suggest alterations on proposed reply to memorial of London All India Muslim League.

20 Muslim League 350/9 ✓
Copy sent to Mr. [unclear] 31 March 1911 ✓
For return to Mr. [unclear] 23 Jan 1911 ✓

Mr. Fiddes

I think that we can accept the proposed amendment with the exception of that proposed in the case of para (7) & (9). Whether Indians are or are not likely to occupy agricultural land in the highlands, the mere fact of their being permitted to do so would doubt raise a storm among the white settlers - the former who are already anxious to do to remove them to the reserved land would be placed in a very difficult position.

I think therefore that we should tell

4181 W.L.S. 02-20
500-1111 A.A.P.
subsequent paper
1506

tell the other office that we have
regrets that he is unable to depart
from the position which he & his predecessors
have taken up in the matter, but that
if the I.O. can suggest any modifications
which, while not altering the substance of
the decision, will render the form more
palatable to the League he will be
glad to adopt them.

H. J. K.

23/III

Col. Seely
Mr. Horne

The important point is land in the
highlands, and we must stand firm about this.
Otherwise - on reading again our draft - I agree
with L.O. that it might be shortened with much
advantage. The general effect of entering into
detail as we have done is to give an apologetic
tone to the reply, it is unnecessary & undesirable.
In particular, I think it is better to omit the
first sentence of (7) and omit the whole of (8) & (9)
& should we not submit a fresh draft for
the use of the Committee, on the basis of the L.O.
suggestion, and when approved send it off, sending
copy to L.O. for their use?

P.S. 23/3

I agree with Mr. Fiddis on all points.

I agree H. 23.3.11

28.
23.3.

3490

It is requested that in any further communication on this subject the under-mentioned letter and number may be quoted, and the reply addressed to
The Under Secretary of State for India.
India Office,
Whitehall,
London, S.W.
J. & P. 128.

INDIA OFFICE

CCP
25 MAR 11

WHITEHALL, S.W.

22nd / March 1911. 307

Sir,

I am directed by Viscount Morley to acknowledge the receipt of Mr. Fiddes' letters of the 10th December and of 1st January last, Nos. 38069 and 2549, and in reply to offer the following remarks for the consideration of Mr. Secretary Harcourt on the draft letter which it is proposed to send to the London All-India Moslem League in reply to their Memorial of the 13th October last on the position of Indians in the East Africa Protectorate.

2. I am at the outset to point out that the Memorial deals largely with matters of detail affecting the internal administration of the East Africa Protectorate, and is submitted by a League whose headquarters are not in that protectorate but in London. It does not appear that the present memorial put forward by the London All India Moslem League, has been considered in India itself, and though Lord Morley does not wish to imply that the views of the Muhammadans of India upon this

The Under Secretary of State,
Colonial Office.

particular

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particular questions are at variance with those put forward by the London All India Moslem League, he desires to call attention to the inconvenience which may arise from dealing with a London Committee whose title to speak on behalf of the Muhammadans of India may be open to question; at the same time it would, in Lord Morley's opinion, be inexpedient to withhold a reply, in view of the general attention that the subject has received in India.

3. The consideration referred to in the preceding paragraph appears to point to the desirability of a somewhat less detailed reply than has been proposed by the Colonial Office. The expediency of such a course is strengthened by other considerations. As Mr. Secretary Harcourt is no doubt aware, wide-spread indignation is felt in India at the treatment to which Indian subjects of His Majesty have been exposed in certain of the Dominions and territories under the Colonial Office; in the present case, Indian opinion any communication emanating from the Colonial Office will be subjected to close scrutiny and an unfavourable construction may be

placed

placed upon any expressions which are capable of being represented as unfair or offensive to Indian feeling. For this reason it is desirable to offer as small a target as possible to criticism and to communicate the decision of the Colonial Office in as conciliatory a manner as the case permits.

4. Accordingly, I am to suggest for the consideration of Mr. Secretary Harcourt that a much shorter reply than the draft forwarded by the Colonial Office would suit the occasion. If this suggestion is accepted, the paragraphs numbered (1), (2) (3), and (25), to portions of which exception might be taken, will presumably be omitted.

5. As regards paragraphs (7) to (9) the Secretary of State for India in Council is unable to entertain the hope that the policy of excluding Indians from the Highlands will receive acceptance from educated Indian opinion. If the Highlands are unsuited to Indian agriculturists, no great demand for bona fide occupation in that area will arise from Indians, but the Secretary

of State for India in Council considers that the principle ought to be recognised that when any respectable and substantial British subject comes forward, who is desirous of taking up land on the same terms as are at present offered to Europeans only, his application should receive equal consideration without distinction of race, creed or colour. This would satisfy Indian sentiment, while on the hypothesis put forward as to the unsuitability of the Highlands for Indian occupation there would be no risk of any effective demand by Indians for farms in this region.

6. With reference to paragraph 17, I am to say that His Lordship considers that any reference to missionary opinion would be injudicious. A most mischievous result would be produced in India if it were possible to represent that the answer of His Majesty's Government to the Moslem League was in any way based on religious partiality. While Lord Morley does not in the least desire to discuss the value of the evidence as to the result on African natives of contact with a low type of Indian trader, he finds in the documents communicated

to his frank expressions of apprehension at the possible spread of the tenets of Islam and Hinduisms. It is evident that, apart from the actual conduct of certain undesirable classes of Indians, the growth of Indian influence generally is deprecated by Christian missionaries for reasons which, natural and intelligible as they are in themselves from the missionary stand-point, cannot decide the policy of a Government which is pledged to religious neutrality. His Lordship therefore thinks all references to missionary opinion should be omitted, in order to guard against the suggestion that the European administrative staff and the mission bodies are united in a concerted policy hostile to Eastern religions.

7. Paragraph (21) contains a mistake about the law of British India, and a statement as to Muhammadan law which seems unnecessary and which might be challenged as misleading. In British India all trials before Courts of Sessions must be either by jury or with the aid of assessors; in several districts the system of trial by jury has been long in existence, and it is in the power of the local Governments to extend the system to other

districts

districts when circumstances permit. While it is true that the institution of the jury does not exist in Muhammadan law, the administration of which by Muhammadan judges alone was contemplated in the original system, it has been found that in British possessions Muhammadan inhabitants approve of trial by jury, which is not in their judgment inconsistent with Moslem law, because it enables the administration of non-Moslem law to be to a certain extent influenced by Muhammadan feeling and sentiment.

8. In conclusion Lord Morley desires to recognise very fully that upon certain points submitted in their Memorial the Moslem League appear to have been misinformed, but he is of opinion that the answer to the Memorialists should not go beyond the rebuttal of actual errors and the explanation of the policy on controverted points upon which His Majesty's Government have decided upon due consideration of the circumstances of the Protectorate.

I have the honour to be, Sir,

Your obedient Servant,

E. S. G.

20. 2000
2400

~~SBC~~

30 March 1891

DRAFT.

The Under Secy of State
I.O.

Sir,
I am directed by
Mr Secy Percival to

MINUTE.

- Mr. Read. 28 March.
- Mr.
- Mr. Fiddes. 28/3
- Mr. Just.
- Mr. Cox.
- Sir C. Lucas.
- Sir F. Hopwood.
- Col. Seely.
- Lord Crewe.

ask the note of your
letter of the 22nd of
March (J.P. 128) +
to transmit to you for
the inf. of Viscount
Piercy, a copy of the
letter which has
caused to be sent to
the Lords all India
Modern

Copy 200 March (1891/10)

Copy for Lord & Viscount

W. H. G.

I have long after a
careful consideration of
the amendments suggested
to your letter under
ack't.

Yrs

SAT