

EAST AFR. PROT.

35981

35981

India

Position of Indian Subjects

1910

Author

Refers to memorial from London all India  
women league, & asks that I.O. be consulted  
before definite repl. is sent to memorialist.

Last previous Page

W. Fiddler

Ask: say that W. Harcourt  
will be glad to consult the I.O. before  
a definite reply is communicated to the  
demonstrators - & copy of corresp. to O.A.S.  
to Insp. D.A. ?

H. J. R.

25/11

The memorial has been referred to Col for  
report, etc.

at [unclear]

copy sent to O.A.S. 2 Dec

35981

A copy of the letter mentioned in this report the under-mentioned letter and should be sent and the copy addressed to the Under Secretary of State for India  
Whitehall S.W.

India Office

Whitehall, S.W.

24<sup>th</sup> November 1910

35321  
REC  
NOV 25 1910

I am directed by the Earl of Cromer to state  
of the report of Mr. Secretary Harcourt that he  
has received from the London All India Muslim League  
a copy of a representation on the position of British  
Indian subjects in the East Africa Protectorate  
submitted to the Colonial Office. I am to say  
that, if Mr. Harcourt sees fit, the same  
might be submitted before a decision is  
communicated to the memorialists.

I give the honour to be, Sir,

Your obedient servant,

Ed. Montagu

The Under Secretary of State  
Colonial Office

10.  
35961/10  
CAP

DRAFT

US 75  
J D

Dec 10

MINUTE 18/11

- Mr. Wall
- Mr. Butler
- Mr. ...
- Mr. ...
- Mr. ...
- Sir C. ...
- Sir F. ...
- Col. Seely
- Lord Crewe

Sir

I am directed by the  
 E of Crewe to ack the receipt  
 of your ltr J.P.P 3623, of the  
 24th of Nov, 9 to state for  
 the info of the E of Crewe, the  
 the memorial from the London  
 All India Muslim League  
 on the subject of the position  
 of British Indians in the



38009 473

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, Whitehall, S.W.

India Office

Whitehall, S.W.

J. & P. 3623.

18th

December, 1910.

Sir,

In continuation of Mr. Montagu's letter of the 24th ultimo on the position of British Indian subjects in the East Africa Protectorate, I am directed by the Earl of Cromer to suggest for the consideration of Mr. Secretary Harcourt that, if he sees no objection, advantage might be taken of the presence of Sir Percy Girouard in England to arrange an inter-departmental conference on the subject at which the Governor might be invited to meet representatives of the Colonial and India Offices.

If Mr. Harcourt agrees, Lord Cromer would nominate as representatives of this Office three Members of the Council of India (Sir James Digges La Touche,

Sir

The Under Secretary of State,  
Colonial Office.



Sir Theodore Morrison, and, probably, Mirza Ali Abbas  
Baqi, and the Secretary and Assistant-Secretary of the  
Judicial and Public Department (Sir Herbert Rusley and  
Mr. Seton)

and the honour to be, Sir,

Your obedient servant,

W. H. D. S.

9.0 E.A.P.  
5800 7/10

DRAFT

The Under Secretary of State,  
India Office

10/1/11

MINUTE.

Mr. Read. 4 Jan.

Mr.

Mr. Fiddes. 4

Mr. Justice

Mr. Gog.

Sir C. Lucas.

Sir F. Hopwood.

Col. Seely.

Lord Curzon

Mr. Harcourt

to Under Secy  
-copy - 25 N.W. (39554/10)  
sent letter of Jan 11 (226/11)  
all

Mr. Justice

Sir,  
With refer to your  
letter of the 3<sup>rd</sup> of  
Dec<sup>r</sup> last & previous  
encl<sup>s</sup> I am directed  
by ~~the Under Secy~~ Mr. Secy  
Harcourt to transmit  
to you to be laid  
before the Earl of  
Crewe the draft  
of the letter which

20 540  
38089/0

DOWNING STREET,

January, 1911.

DRAFT

*Draft for Mr. A.*

*Amendment of*

*See enclosed Draft*

THE HONORARY SECRETARY

TO THE LONDON ALL-INDIA MOSLEM LEAGUE.

Sir,

With reference to the letter from this Department of the 26th of October last, I am directed by Mr. Secretary Harcourt to inform you that he has not received a report from the Officer Administering the Government of the East Africa Protectorate upon your letter of the 13th of that month, in which it is alleged that certain disabilities have been imposed of late upon Indians in British East Africa. Mr. Harcourt has also had the advantage of discussing the matter personally with Sir Percy Girouard, the Governor of the Protectorate, who is at present in this country.

*H. J. R. 4 Jan 11*

*W. J. P. 4*

*Colonial Secy*

*W. Harcourt*

*8764*

*[Handwritten scribbles]*

*See aff to 10.10 Jan 11*

*009 had 25/11*

(1) Dealing with the points raised in

in your letter paragraph by paragraph. I  
 am to point out that the Administration of  
 the Protectorate has under its care not only  
 Indians of the Moslem faith but also  
 a much larger indigenous population which  
 professes the same religion, and to assure  
 you that in the former as in the latter case  
 it will act with the same impartiality  
 and toleration which have characterized  
 British Administration in other possessions  
 of the Crown.

(2) The value of Indian merchants and  
 traders in the Protectorate is ~~clearly~~ re-  
 cognised and this influence is correctly  
 ascribed to as early a date as the 15th cen-  
 tury; but it is understood that the Indian  
 community, which grew up from that date until  
 the importation of large numbers for the  
 construction of the Uganda Railway, formed  
 an entirely different community from that  
 which is to be observed to-day. These ear-  
 lier immigrants have in many cases entirely

lost the use of the Indian language and con-  
 fine themselves almost exclusively to trading  
 operations on the Coast. With the constan-  
 tion of the Railway a large number - es-  
 timated at perhaps 50,000 - of Indians of  
 an entirely different ~~class~~ entered the  
 Protectorate many of whom remained in it and  
 formed the bulk of the small trading class  
 which acts as intermediary between the larger  
 European firms and the native populations.  
 It is understood that the financial operations  
 of these small traders are largely dependent  
 upon the credit which they obtain from the  
 European merchants. The part which Indian  
 soldiers played in the pacification of the  
 Protectorate is ~~fully~~ <sup>also</sup> recognised, but it is to  
 be remembered that these Forces and ~~also~~ the  
 more numerous native African troops were in-  
 variably led by British officers. It is  
 correct to say that the Uganda Railway was  
 largely constructed by Indian labourers.

DRAFT.

Railway are filled entirely by Europeans, but it is correct to state that a large number of

Indians are employed as clerks, mechanics, guards, platelayers, &c. <sup>A</sup> The large <sup>the</sup> ~~pro-~~ <sup>however,</sup> portion of the educated Indians, are not

British Indians but Goanese Catholics. The ordinary manual labour employed upon the line is now almost exclusively African.

Although, in the past, the presence of the Indian trader has undoubtedly had a great influence upon the cost of living, Mr. Harcourt is informed that this factor is not of such importance to-day.

(4) It has been stated with reference to paragraph (2) that at present there is no lack of indigenous labour for the development of public works and the same may be said with regard to private enterprises. Hence there would appear to be no reason for considering the status which might be occupied by inden-

tured

indentured labour from India - at least for the present.

(7) With regard to the extract quoted from Lord Elgin's despatch, Mr. Harcourt shares the views of his predecessors as to the desirability of preserving for the white population subject to the protection and requirements of the indigenous native population - the comparatively small area in the Protectorate which is ~~quite~~ suitable for European residence and affords. All the more so as he understands that these areas are on the whole unsuited to the Indian agriculturist and that this view has been expressed by the Indian member of the Legislative Council of the Protectorate on various occasions.

(8) No claim has been laid to the west of the Highlands for the purposes of European settlement, and it is to be remarked that various native populations - estimated variously at over 1,000,000 - are in occupation of

of large tracts of the Highlands. The soil is certainly fertile, but it appears to be mainly suited to the products which an ordinary English agriculturist would cultivate in Europe or the South African Colonies. On the other hand both on the coast and in the basin of Lake Victoria large <sup>areas</sup> ~~tracts~~ exist which are more suited to development by means of labourers accustomed to tropical agriculture *(provided native rights are respected)* and in these areas no restriction has been placed upon acquisition of land by any section of the community. It must also be remembered that the European farmers were much hampered in their early development by land questions and by the experimental condition of agriculture. It ~~may be said~~ <sup>should be noted</sup> that a period of 5 years only has elapsed since farmers were in a position to forecast the real future of agriculture in the highlands, and that the valuable experiments which have proved the suitability of wool, ostriches, sheep, cattle, wheat, oats,

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... hemp, coffee and many other products, have been mainly carried out by the European population. The experimental condition is now believed to be a thing of the past and it is confidently expected that very material progress will be witnessed within the next few years. On the other hand the Indian population has had ample opportunity of acquiring lands for tropical agriculture on the coast but appears to have accomplished very little in the way of agricultural development during the last 200 years, although it is understood that during the period of the last 5 years European planters, with the assistance of African labourers who are now readily obtainable from the highlands, have definitely proved the value of such products as rubber, hemp and cotton in the coast belt. That Europeans can live comfortably in the highlands is attested by the considerable number of Europeans and their children

born

DRAFT

born or living in these districts and the very low death rate attended by such a circumstance.

(10) As the indigenous population is at present providing all the labour required by the Protectorate, the question of indentured immigration does not appear to need immediate consideration.

(11) The last ten years of the history of the highlands can scarcely be described as a period of "booming" but rather as one of experiment carried out under circumstances of exceptional difficulty. Mr. Harcourt cannot accept, without qualification the statement that East Africa is not nor ever will be a white man's country, and he is not aware that any onerous or odious restrictions have been imposed upon the Indians in the Protectorate.

(12) With regard to the statement of the Indian member of the Legislative Council

that

that India could supply thousands of the most industrious agricultural labourers in the world &c, Mr. Harcourt is informed that, although this gentleman is said to possess many farms and has obtained many contracts, he has taken no steps since the date of the completion of the Uganda Railway to introduce Indian labour but has been content to accept the assistance of the indigenous population. Mr. Harcourt cannot accept the statement that very few of the European settlers have developed their farms in any degree or that there are restrictions on Indian settlement which, if abolished, would change the whole aspect of the Protectorate in a few years from quiescence and stagnation to prosperity and importance. In so far as agricultural development suitable to Indians is concerned and the Indian member of the Legislative Council has himself admitted that the highlands are unsuitable for agricultural development by Indians - no

restriction

restriction whatever has been placed upon the Indians, who have had ample opportunity upon the coast and in the Uganda provinces but appear to have accomplished little or nothing. In so far as legitimate trading is concerned, Mr. Harcourt understands that there is no centre in the whole Protectorate where European trading is permitted and Indian trading restricted, equal rights being given to traders of all nationalities.

(13) While admitting that the economic advancement of the Protectorate will in a measure depend upon Indian labour and enterprise Mr. Harcourt sees no ground for doubting that it will depend in a far greater measure on British enterprise and capital aided by native indigenous labour. Throughout the memorial of your Committee Mr. Harcourt notes the complete absence of any reference to the

interests

interests of the four to five million native inhabitants of British East Africa and the four millions inhabiting Uganda whose material progress and civilization are now being mainly affected by the efforts of the European administrative staff aided by a large number of Mission bodies. The interests of these native populations cannot but be the primary care of the Government of the country, and Mr.

Harcourt has learnt with regard that the various missionary bodies are strongly of opinion that the contact of the natives with the unfortunately low caste of Indians entering the country has hindered their advancement towards civilization.

(17) This paragraph and the preceding ones enter upon details of the disabilities which are alleged to have been imposed upon the Indian community. It is stated that the legislation originally passed with a view to preventing the landing of Europeans with

inadequate

DRAFT

inadequate funds is now being applied to Indians. Mr. Harcourt assumes that the reference is to the Restriction of Immigration Ordinance of 1906 which is at present in force. By this Ordinance any person without visible means of support or any person who is likely to become a pauper or a public charge is prohibited from landing without making a deposit. The European has to deposit Rs. 750 (since altered to Rs. 75), a native of Asia or Africa Rs. 50. The object of this deposit is to provide for the repatriation of an individual, should he fail to obtain employment. The Ordinance further prohibits unconditionally the landing of certain persons suffering from such disabilities as idiocy, insanity, leathsome or dangerous contagious disease, &c. There is, however, no discrimination as to race, and your Committee would appear to be under a misapprehension as to the facts of the case.

(16) It is understood that this paragraph is based upon a statement of Mr Jeevanjee, the member of the Legislative Council, of the Protectorate. It would appear from this statement that no Indian could sell any produce in the Nairobi market without the authority of a European. The facts are as follows:- Ten years ago Mr Jeevanjee was granted the right to construct a market in Nairobi and it is called to this day the Jeevanjee market (photo attached). It was the monopoly of Mr Jeevanjee and it is understood that he has made handsome profits from it. European residents have from time to time raised objections to buying vegetables, milk and dairy produce, from this market as the irrigation is carried out by means of water condemned for human use, there is therefore a danger of contamination. Their objections were well founded and vouched for by the medical staff.

In 1910 some European farmers in the district

opened

opened a small produce market in Nairobi for the sale of produce to Europeans only (photo attached). It is to this market that objection has been taken but the fact has been suppressed that the bulk of the produce sold in Nairobi is in the hands of Mr Jeevanjee and his countrymen in the Indian market. It is also to be noted that another exclusive market exists in Nairobi - the Native market - to which no objection has been taken. The Committee will, therefore, recognise that it is erroneous to state that Indians are dependent upon the good offices of white men before they can enter the market.

(19) Objection is taken to discrimination with regard to the sale of business sites. Three years ago an outbreak of plague occurred in Nairobi - the first which was witnessed in the

highlands

highlands and the suppression involved the Government in an expenditure of <sup>less than</sup> more than £20,000. The introduction was entirely attributed by the medical staff to the Indian population to whom it was mainly confined, the European section of the team remaining free.

Generally speaking, no restriction whatever has been placed upon Indians of good standing and habits acquiring business sites in Mairi but both the lower class Indian and the African natives have been allotted specific quarters for residence and small trading. The medical authorities are of opinion that this measure is essential in the case of the native population and are even more insistent upon its application to the lower class Indians, whom they consider to be far less careful in observing sanitary precautions or obeying municipal regulations than is the case with the indigenous population.

(20). It is inaccurate to state that the

Protectorate

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Protectorate steamers plying upon Lake Victoria Nyanza are in charge of Indians. The whole of the navigating and controlling staff is European, the crew native and a few clerks mainly Goanese Christians and Indians. With regard to the trade Mr Harcourt is informed that it is erroneous to state that it is the trade of the Indian merchants which makes the continuance of this service economically possible. At least one-third of the trade emanates from German East Africa where it is understood that severe restrictions are imposed upon Indian trading. In the past it has been found that the issue of bedding to Indians has been attended with certain disadvantages as many of these passengers cook and prepare their food upon their berths and cannot be induced to change these habits. Notwithstanding this very inconvenient habit

on the part of Indian passengers, arrangements have lately been made to provide them with bedding. The continued presence of plague amongst the Indian population at some of the lake ports has also made the issue of bedding a ~~very~~ difficult matter of adjustment with the medical authorities.

(21) Although Mr Harcourt can hold out no hope of any alteration of the existing system of jury panels in British East Africa the Governor has been directed to personally enquire into the matter with a view to ascertaining whether, as in the case of native law and custom, it would not be desirable to have for Mohammedan law Indian assessors when such cases are being considered. It is to be remarked that the large indigenous Moslem population on the coast have never approached the administration with a view to the establishment of a jury system which, it is understood is non-existent in India, and not entirely in accordance with Moslem law.

(22) With regard to the question of Justice

ties of the Peace the Secretary of State doubts whether the time has arrived for any change in the present system, but he has directed the Governor to ascertain the requirements in this regard of the indigenous Moslem and Indian populations of the coast whose claims naturally require first consideration.

(23) Mr Harcourt is informed that Indians suffering terms of imprisonment have received exactly the same consideration as the natives of the country, whether Christian, Moslem or pagan. Sir P. Girouard states that during his frequent visits to the Prisons he has not on any occasion been approached by any prisoners because there has been a want of consideration of their scruples on the part of the prison officials. He also states that the Government of the Protectorate know nothing of the reply which is alleged to have been given by the authori-

ties to the effect that Indians lost their religion on leaving their native land.

(15) The matter referred to in this para. has been dealt with in connection with the earlier paragraphs of your letter.

In conclusion, Mr. Harcourt desires me to say that your committee may rest assured that the first will be done, not only towards the Moslem community but also to the ancient Arab, Indian, & Sinhalese communities of the Coast, the same generous attitude which it has adopted in the past. It must be borne in mind that he has already stated above that the interests of the first native population cannot be the primary case of the local Government upon whom rests the responsibility for their pacification & protection.

33069/10.F.A.P.

**DRAFT**  
THE HONORARY SECRETARY  
TO THE LONDON ALL-INDIA  
MOSLEM LEAGUE.

Downing Street,  
Berar, 1911.

**MINUTE.**

Mr. Read 28 March.

Sir,

With reference to the letter

Mr. Fiddes 28

from this Department of the 26th of

Mr. Just

October, 1910, I am directed by Mr.

Mr. Cox

Secretary Harcourt to inform you that

Sir C. Lucas

he has now received a report from the

Col. Seely

Officer Administering the Government of

X Mr. Harcourt 88-3-11

the East Africa Protectorate upon your

I think the order to send  
JCS P

letter of the 13th of that month, in

2 drafts.

which it is alleged that certain dis-

(Copy of 9490 and this and draft to I.O. to the Governor, with reference to previous correspondence in Conf. L.P.)

abilities have been imposed of late

upon Indians in British East Africa.

Mr. Harcourt has also had the advantage

Copy to Govt of the East Africa Protectorate

well founded, and vouched for by the medical staff. In 1910 some European farmers in the district opened a small produce market in Nairobi for the sale of produce only and it is to this market that objection has been taken. It appears, however, that the bulk of the produce sold in Nairobi is sold in the Indian market.

9. In paragraph 19 objection is taken to discrimination with regard to the sale of business sites. Three years ago an outbreak of plague occurred in Nairobi - the first which was witnessed in the highlands - and its suppression involved the Government in an expenditure of close upon £20,000. Its introduction was entirely attributed by the medical staff to the Indian population to whom it was mainly confined, the European

section

DRAFT

section of the town remaining immune. Generally speaking, no restriction whatever has been placed upon Indians of good standing acquiring business sites in Nairobi, but both the lower class Indians and the African natives have been allotted specific quarters for residence and small trading. The medical authorities are of opinion that this measure is essential in the case of the native population and are even more insistent upon its application to the lower class Indians, whom they consider to be less careful in observing sanitary precautions or obeying municipal regulations than is the case with the native population.

10. With regard to paragraph 20, Mr. Harcourt understands that it is inaccurate to state that the Protectorate steamers plying upon Lake Victoria Nyanza

are

are in charge of Indians, the whols of the

avigating and controlling staff being

European, the crew native and a few only

the clerks (mainly Gcanese) Indians.

With regard to the trade Mr. Harcourt is

informed that there is no foundation for the

statement that it is the trade of the Indian

merchants which makes the continuance of

his service economically possible.

With regard to the latter part of the paragraph

it is understood that, in the past, it has

been found that the issue of bedding to

Indians has been attended with certain

inconveniences as many of these passengers

cook and prepare their food upon their

beds, but that nevertheless arrangements

have lately been made to provide them

with bedding. It is also understood

that the continued presence of plague amongst

the Indian population at some of the Lake

parts

ports has made the issue of bedding a  
difficult matter of adjustment with the  
medical authorities.

11. With regard to paragraph 21 Mr.  
Harcourt can hold out no hope of any  
alteration of the existing system of jury  
panels in British East Africa, but the  
Governor has been directed to enquire  
into the matter personally, with a view  
to ascertaining whether, as in the case  
of native law and custom, it would not  
be desirable to have for Mahomedan Law  
Indian assessors when such cases are being  
considered.

12. With regard to paragraph 22 Mr.  
Harcourt does not think that the time  
has arrived for any change in the  
present system of appointing Justices  
of the Peace, but he has directed the  
Governor to ascertain the requirements in  
this

the regard of the indigenous Moslem and Indian populations of the coast whose claims naturally require first consideration.

13. Finally, with regard to paragraph 23, Mr. Harcourt is informed that Indians suffering terms of imprisonment have received exactly the same consideration as the natives of the country, whether Christian, Moslem, or pagan. Sir P. Girouard has stated that during his frequent visits to the Prisons he has not on any occasion been approached by any prisoners because there has been a want of consideration of their scruples on the part of the prison officials. He has also stated that the Government of the Protectorate know nothing of the reply which is alleged to have been given by the authorities to the effect that Indians lost their religion on leaving their native land.

I am, etc.,

**PUBLIC**

**RECORD**

**OFFICE**

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**END**

**PUBLIC**

**RECORD**

**OFFICE**

**15**

**CO 533**

**80**

6 Oct 1910

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1010

From	Date	Subject
Foreign Office	4 Jan	Arms traffic in Abyssinian
"	11 "	S. Abyssinian Frontier
"	12 "	Arms traffic, identification of Darn's
"	14 "	Facilities for a far less shooting expedition
"	24 "	Leave to Mr. Zaphiro
"	27 "	Report by Regis Service (C. M. S.)
"	11 Feb	Affairs in Italian S. Africa
"	11 "	Abyssinian Frontier
"	12 "	Arms traffic
"	19 "	S. Abyssinian Frontier
"	4 Mar	Ivory
"	14 "	S. Abyssinian Frontier
"	14 (Apr)	Legislation re Ivory
"	17 "	S. Abyssinian Frontier
"	28 "	Manland properties of Sultan of Zanzibar
"	29 "	Ivory legislation
"	14 May	Taxation
"	3 June	Manland properties of Sultan of Zanzibar
"	15 "	Customs Order
"	20 "	Employment of Mr. Zaphiro
"	6 July	Manland properties of Sultan of Zanzibar
"	8 "	Prince George & Howard of Bavaria. Visit
"	13 "	Journey of Reichsfürst von Kefferscheidt
"	2 Aug	Mr. Zaphiro's claim
"	8 "	Anglo-German Policy
"	15 "	1) Visit of Count von Kefferscheidt 2) Customs privileges to foreigners
"	16 "	Send of Kismayu Guard to Nakuru
"	22 "	Blame of Duna Trading Co.
"	29 "	Arms traffic
"	2 Sept	S. Abyssinian Frontier

From	Date	Subject
Foreign Office	2 Sept.	S. Abyssinian Frontier
	2	"
	3	Gen. Cartons Order
	6 8	Resident's Game Licenses
	13	Visit of Mr. Jackson
	23	S. Abyssinian Frontier
	25	Conference at Mr. Jackson
14 Oct.		Loan of office to Janyiba
7		Journey of Count John Reifferscheidt
14		1) Abyssinian raids 2) British Westland. Mission to France
15 Oct.		H. L. Lake
17		Records of old Court of Appeal
22		Customs Order
2		Count John Reifferscheidt's expedition
6		H. L. Lake
20		Law-steam Service
		dated Christian marriages
7		Records of old Court of Appeal
2		Claims of German C. Africa Co.
21		S. Abyssinian Frontier
		1) Road from Begu Bura into Uganda
22		Govt. Game Licenses in Janyiba
24		Claims of Boma Trading Co.
25		Business of Janyiba & Kariba
28		S. Abyssinian Frontier
1 Dec.		Customs Order
6		Janyiba Audit 1911-12
12		S. Abyssinian Frontier
14		Mainland protectorship of Sultan of Janyiba
15		Paris Sanitary Convention 1901

From	Date	Subject
Foreign Office	20 Dec.	C. Allain's Mission
"	29	Departure of Gen. Thalweg
"	27	P. C. Zaphir
"	20	Claims of German C. Africa Co.