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PRINTING

REGULATIONS FOR ARIATICS IN INDIA

1980

RATE OF EXCHANGE

End July

Last previous Paper:

Considerations should be paid in Indian Rupees without any differentiation in the value of the rupee locally and in India

Subsequent Paper:

See 6/2/2007

Mr. [unclear] Mr. [unclear]

Please see our letter to Treas.

24.608/100 Uganda

wait for Treas. reply to date

6/1/56.20

12/1/56

12/1/56

Mr. [unclear]

Remind Treas. again by letter

6/1/56.20

12/1/56

*in Treas. copy 6/2/2007
Ans. Conf. 20 Jan 57 1/19/57*

Subsequent Paper:

[Handwritten signatures and notes]

22nd July, 1928.

~~CONFIDENTIAL~~

38044

REC'D
REL 2 AUG 20

My Lord,

God 3293
off. Secretary

With reference to my despatch No. 96 of the 22nd May, I have the honour to inform Your Lordship that I have recently discussed with the members of my Executive Council the question of payment of pensions to Asiatic Government servants who, on retirement, have returned to India.

2. The opinion expressed, with which I concurred, was that such pensions should be paid in Indian rupees without any differentiation in the value of the rupee locally and in India.

I have the honour to be,

Your Lordship's

humble, obedient servant,


ACTING GOVERNOR.

THE RIGHT HONOURABLE

VISCOUNT SALMER, B.C., G.C.B., G.C.M.G., &c., &c.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET,

LONDON, E.C.

14
DRAFT.

16th Aug 1920

Secretary
Treasurer

MINUTE.

Mr. G. G. G. 13/8/20

Mr. P. P. P. 13/8/20

Mr. P. P. P. 13/8/20

Mr. G. G. G.

Mr. H. Lamborn

Mr. H. Lamborn

Mr. G. G. G.

Col. Army

Lord ...

Receipt
to

with ref. to your letter no. 10926/20 of

the 30th of April I am so to enquire

whether a reply may now be sent to the

letter from the Dept of the 31st of May

in which ...

requested for payment of ...

... in respect of

to the ... sterling ...

... in S.A. and ...
(Signed) H. A. ...

66
2200
2010

Sir,

I have the honor to acknowledge that you have now had an opportunity of discussing personally with Major General Sir Edward Northey, and with Sir Robert Coryndon, the various questions affecting the Indian Community in British East Africa, which have formed the subject of correspondence with yourself and the India Office, and the Indians Overseas Association; and before arriving at a decision on these questions, I had the advantage of receiving a deputation which was introduced to me on the 19th of April by Lord Jellicott and which included Indian representatives sent from East Africa.

2. I have given very careful consideration to these important questions, as I was desirous of securing, if practicable, an adjustment of the existing situation, which clearly tends to cause discontent in a section of the community in British East Africa. I do not propose, however, to revise the situation at length, as you are fully aware of the position; and it will suffice if I comment briefly on the main points which have been raised, and on which a decision is required.

3. The Indian community would wish to have equal rights with the European settlers in regard to representation in the Legislative Council of the Protectorate, that is to say, that

their representatives on the Council should be
 elected instead of appointed and that the mode
 of election should be the same as for the
 European members. Mr. H. H. Johnston, who
 introduced the Bill, stated that he realised that
 the solution of the present difficulties could not
 be found in granting the franchise to Indians
 in the Protectorate generally on the same basis
 as to Europeans. I fully share this opinion and
 I have hitherto held the view that, having regard
 to the very small number of the Indian community
 who can be regarded as qualified to exercise a
 franchise the time has not yet come for basing
 the representation of Indians in the Protectorate
 on the elective principle. I am, however, im-
 pressed by the representations which have been
 made to me both by the Indian representatives
 from East Africa and by the Secretary of State
 for India as to the importance which is attached
 by the Indians to the election of their members.
 I have, therefore, decided that arrangements
 shall be made for the election of two Indian
 members of the Legislative Council on a special
 franchise as to which I shall await your
 recommendations.

4. It will follow as a result of elective
 representation of Indians on the Legislative
 Council that the same arrangements should be made
 in connection with Municipal Councils and in
 this case also I shall await your recommendations.

As to the details of the proposed regulations, as regards the East Africa Protectorate, I could not see any advantage as compared with other parts, and subject to the Protectorate Immigration Ordinances which are of general application, there must be no bar to the immigration of Indians.

6. The removal of the restriction on the acquisition by Indians of agricultural land in the highlands of the East Africa Protectorate has been strongly urged. The Earl of Elgin, when Secretary of State for the Colonies, informed the Governor that it was not consistent with the views of His Majesty's Government to impose legal restrictions on any acquisition of land, but that as a matter of administrative convenience grants of land in the upland area of the Protectorate should not be made to Indians. The ground for this decision was that the area of agricultural land in the Protectorate suitable for European settlement is limited. This decision, which applied to the acquisition of land, has since been affirmed by the Secretary of State and should be reversed if it is clear that if the limited area on which alone European settlers can live, were thrown open to the competition of Asiatics, who are physically fitted to settle in other areas from which Europeans are by nature excluded.

a virtual discrimination in favour of Asiatics against European settlement. I cannot regard the Indian claim on this point as just or reasonable. On the other hand, I am anxious to encourage agricultural settlement, and I am advised that there are areas of adequate extent and good quality, which could be set apart for that purpose without infringement of native rights. Sir Edward Northey has made certain suggestions on this subject, and he will enquire further into it on his return to East Africa. I think it very desirable that there should be no doubts of our sincerity in this matter, and I hope therefore that there will be no delay in provisionally relinquishing the land area for Indian settlement which the Commission has, as I understand, been appointed by the Indian Government for this purpose, and to be returned shortly to us.

Further steps to which your attention has been directed in the policy which we have hitherto pursued may be taken. I do not think that this policy should have been offered to the Indian community, and I feel sure that they are under a strong impression in the matter. There is no question here of discrimination against the Indians. In this case, as in that of land settlement, I have no wish to sacrifice Indian to European interests. I am convinced that, as long as the Indians are fairly dealt with in the selection of their sites, the principle that

that in the laying out of townships in tropical Africa separate areas should be allotted for different races is not only from the sanitary point of view but also on grounds of social and political expediency. It is the best way to secure the best for all races, European, Indian or native. I desire therefore that this principle should be adhered to in residential areas, and whenever practicable, in commercial areas also.

8. If this principle is to be effectively carried out, it seems to me necessarily to follow that as a general rule no transfer of land either by way of lease or mortgage between Europeans and Asiatics in townships should be allowed. There may no doubt be exceptional cases, in which it would be unjust or inadvisable to forbid such transfer, but these can be met by leaving discretion to the Governor-in-Council, to give sanction when some special reason can be shown. Similarly, when township plots are put up to auction, Europeans should not be allowed to bid for plots in the Asiatic quarter, or Asiatics to bid for plots in the European quarter.

9. As regards education, to which reference is made in the memorial of the 22nd of March, 1911 from British Indian subjects in East Africa to the Viceroy of India, I should be glad to see improvements effected in educational facilities for all classes in the Protectorate. The local Government has increased materially during the last few years the provision made for education, but owing to the lack of funds progress has not been as rapid as I could have wished. I trust I

however that you will give close attention to the question of increasing educational facilities in the Protectorate, and that the same subject will be given the same consideration as that which is given to the Indian States.

10. The question of medical and legal practice in the Protectorate is raised in the same Memorial. The position in regard to medical practice is determined by the Medical Practitioners and Dentists Ordinance 1710, which was sanctioned after consultation with the General Council of Medical Education and Registration and the British Medical Association. I understand that the greatest care is taken by the General Council in considering any medical diplomas brought before them; and I see no reason to doubt that the holder of any diploma which is a guarantee of fitness to practice would be declared by the Council to be eligible for registration in the United Kingdom. I am, therefore, disposed to suggest to your Government any amendment of the existing Ordinance, which already provides for the practice of systems of therapeutics according to Native, Indian or other reliable methods by persons recognised by the community to which they belong to be duly trained in such practice.

As regards legal practice, under the rules of Court locally in force persons are admitted to practice who have been admitted to practice in some other part of the Empire, a provision not less liberal than that which obtains in most Colonies and Protectorates. I should, however,

however see no objection to arrangements being made for the High Court in East Africa to admit to practise an applicant who has obtained the necessary qualifications or admission as a solicitor in any other part of the Empire but has not yet been actually admitted to practise in that country, if it is only a matter of formality or the payment of a fee which is delaying such admission. Apart from this, I do not see any reason to suggest an alteration in the existing rules.

11. A further complaint made by the memorialists is that Indians have not the privilege of trial by jury. It had already been suggested by you that trial by jury for Indians might be introduced experimentally after the war, and I have to request that you will take the necessary action to give effect to this as soon as possible.

12. I do not wish to deal in this paragraph with the recent currency changes in East Africa, but as the subject was raised on the appropriation on the 19th of April, I may remind you that this is a matter of extreme difficulty, to which I have given most careful consideration, and that I do not anticipate now that any alteration in the new arrangements will be made. I explained to the delegation that the action taken by the Government is in the nature of a compromise, which I believe meets, as far as circumstances allow, the conflicting interests of all sections of the community in East Africa.

13. I have dealt briefly with the specific grievances which have been brought to my notice, and I do not wish to prolong this despatch. In conclusion, I must refer to the report of the Economic Commission, as certain statements and allegations in the report with regard to Indians in East Africa, have provoked strong protests. I much regret that such expressions should have been used, and I was glad to have the opportunity of informing the deputation which I received that they do not represent in any way the views either of His Majesty's Government, or of myself, and that in examining these various questions of policy affecting the Indian community in East Africa, I dissociate myself altogether from those parts of the report.

14. I have addressed this despatch to you in the "Special" series, as I have requested Sir Edward Northey to make the necessary arrangements for its arrival. In the meantime, no official notice is to be announced but it would be convenient, if you will inform us by telegram, some time in advance when the announcement is to be made. After Sir Edward Northey has made his arrangements, the despatch may be transferred to the "Public" series.

I have etc.,

(Sd/)

13. I have dealt briefly with the specific points which have been brought to my notice in its conclusions. I refer to the report of the Economic Commission, as certain statements and allegations in the report with regard to Indians in East Africa, have provoked strong protests. I much regret that such expressions should have been used, and I was glad to have the opportunity of informing the deputation which I received that they do not represent in any way the views either of His Majesty's Government, or of myself, and that in examining these various questions of policy affecting the Indian community in East Africa, I dissociate myself altogether from those parts of the report.

14. I have addressed this despatch to you in the "secret" series, as I have requested Sir Edward Northey to make public these decisions on his arrival. In the meantime I do not wish them to be announced but it would be convenient, if you will inform me by telegraph some days in advance when the announcement is to be made. After Sir Edward Northey has made his announcement the despatch may be transferred to the "public" series.

I have etc.,

sgd: William, 1948

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