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DIA OFFICE

POSITION OF INDIANS
REPRESENTATION ON LEGISLATIVE COUNCIL

1920

Aug

Previous Paper

States that swing to the fact that I.O. were left without information re Govt of India will be exposed to adverse criticism. Trans copy tel sent to India

In Report in J. India

*It is as the committee the
agreement*

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Alone

Present Paper

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any further communication on this subject should be addressed to—
The Under Secretary of State for India,
Public Department,
India Office,
London, S.W.

INDIA OFFICE
WIRE & TELETYPE
LONDON, S.W.

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J. & P. 4853

19 August, 1920.

Sir,

I am directed by Mr. Secretary Montagu to acknowledge the receipt of Sir Herbert Read's letter No. 34349 dated 22nd July regarding the Legislative Council Ordinance 1919 of the East Africa Protectorate.

With reference to the third paragraph of the letter, I am to observe that during the interval between the 30th May 1919 and the 2nd June 1920

- (1) The clause relating to Indian representation on the East African Legislative Council was omitted from the Bill;
- (2) The Bill was passed into law in a form which appeared to confer universal suffrage on Europeans in the Protectorate while making no provision for Indian representation;
- (3) Steps were taken to hold an election under the new ordinance.

The India Office not being informed of any of these points was left without authoritative information as to the development of the position. Meanwhile public interest in India was becoming increasingly directed to the status of Indians in East Africa. Although the Government of India were not afforded by His Majesty's Government the information essential to a true understanding of the situation. The result is that the Government of India will be exposed in the September session of their Legislative Council to damaging criticism.

Mr. Montagu understands, however, from paragraph 4 of Sir Herbert Read's letter, that the question of the elective representation

Secretary of State
(Colonial Office).

representation

representation of Indians ~~is not prejudiced~~ was not prejudiced by the Ordinance which has been passed and sanctioned, as by the action taken to hold an election under it.

The expectation that this Office would be informed of important events affecting Indian interests was based on the long established practice of close communication between the two departments on matters of common concern. I must point out that nothing was said in Mr. Grindle's letter of the 30th May 1919 as to the transference to the instructions of the Clause which provided for the composition of the East African Legislative Council.

A paraphrase of a telegram which has been addressed to the Government of India in reply to their telegram of the 30th June is enclosed for Viscount Milner's information.

I have the honour to be, Sir,

Your obedient Servant,

From Secretary of State to Viceroy, C. & I. Dept. 24
Dated 14th August 1920.

P. Confidential. ²⁰Indians in East Africa. Reference your telegram of 30th June. I have forwarded copy to Colonial Office urging the reconsideration of decisions foreshadowed in my confidential telegram of the 15th July and strongly endorsing your views. I still hope that some modification may be effected. Meanwhile no statement on the subject can be made by the Government of India.

With regard to paragraph 1 the only explanation that can be given is that (1) the Ordinance as passed dealt only with election of European members; (2) composition of East African Legislative Council was removed from Ordinance as being more suitable for inclusion in Royal Instructions; and (3) question of Indian representation is still open, please see Lord Milner's speech of the 14th July in House of Lords of which copy despatched to you by mail of 18th ultimo.

Assumptions in your telegram although natural are not therefore correct. Steps were taken to hold election under the Ordinance which was not held in obedience. But no information was given to me on this particular point for 12 months after letter from Colonial Office dated 30th May 1919 apparently because as Ordinance dealt only with election of Europeans

Europeans Colonial Office regarded it as no longer of interest
to us. Colonial Office have of course been told that this view
is not shared by me as Ordinance marks new phase in situation.
Fact that passage of the Ordinance was not regarded as
having settled question of representation of Indians by election
in the negative is, however, the essential point.