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in order to urge the necessity for such a school, and the Indian School Committee also raised the matter several times but up to the present Indians have no information as to when the building is likely to come into existence. We have received several intimations over a period of years that the matter is in hand. It seems likely that it will remain so for a long time to come.

ii. The education of girls is in the most elementary stage, and compared with that of boys is very backward. I admit at the outset that Indians themselves are to a great extent responsible for that position. But the local Government has given no due consideration to any special measures that have been recommended by Indian leaders, institutions and School Area Committees for adoption in order to encourage the education of girls. For example, we recommended a reduction in the very high fees charged: but this suggestion has evidently not been considered by the local Government.

MEDICAL FACILITIES

Except for a limited extent in Kombasa, no medical facilities have been provided for Indian indoor patients. Hospitals for the exclusive use of Europeans are maintained from the public revenues in various places, while no attention is being given to the pressing demands of the Indian community in this matter.

INDIANS FOR HIGHER SERVICES

Although no statutory restrictions exist, no Indian has yet been promoted or appointed to any superior post; there is a tendency to replace Indians by Europeans, even in clerical posts, which, besides being unfair to Indians, will unnecessarily increase the expenditure of the Colony. There is also an evident tendency to prefer even foreigners to Indian British subjects, and Indians desire to emphasise that they have claims

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to preferential treatment over foreign subjects in this matter.

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Discrimination also exists in the leave and passage regulations of European and Indian Government and Railway servants respectively.

UNFAIR DISCRIMINATION.

I respectfully beg to draw attention to the discrimination between Europeans and Indians in regard to such matters as trial by jury, issue of licences for firearms, appointments as Justices of the Peace, and various other examples of this unfair discrimination still exist on the Statute Book, and I urge that the legislation of the country should be revised and amended in order to abolish these anomalies.

A. B. Patel

LONDON,

30th May, 1931.

Submitted to the Joint Select Committee on East Africa

by-

A.B. Patel, One of the representatives of Kenya Indians nominated by the East Africa Indian National Congress.

INDIANS IN KENYA.

For many centuries past, Indians have been in touch with Eastern Africa, and for generations their people have been settled there. Eminent British authorities have testified to the valuable work done by Indians as pioneers in East Africa. They pushed forward and opened up Trade long before proper transport and communications existed, and they have penetrated even into territories in Central Africa beyond the limits of British Administration.

At the present time, Indians are playing an important part in nearly every branch of life in the Colony. They are very largely engaged in commerce and industry and are employed in various departments of Government Service. In commerce they have done much to develop both the internal and the external trade of the country. In the internal economic life of the Colony they are playing an essential part both in the development of retail business, mainly with Africans though largely also with the settlers in country districts, and in the purchase and export of African produce.

In the sphere of industry, Indians are widely employed as mechanics, engineers, carpenters, masons, blacksmiths, wheelwrights, watchmakers, printers, sawyers, electric light and power fitters, contractors, tailors, etc. Their position in this field is due entirely to their own merits.

As doctors, lawyers, schoolmasters, and in other pro-

Professional capacities they are proving their abilities to hold their own in competition with other immigrant races.

In agriculture, which is the industry followed by the vast majority of the population of India, I am confident that they would have played an equally considerable part in the development of the natural resources of the Colony had they not been excluded from this sphere of activity in the Highlands. Many Indians have permanently settled in Kenya, and regard it as their Home: almost all Indians invest their savings in Kenya whenever and wherever they find opportunities for doing so.

I desire to impress on the Committee that Indians have played and are playing a vital part in the present stage in the economic progress both of the Colony as a whole and of the African Native, and that, in various ways, no other community is in a position to make the contribution which they are making to the development of the Colony.

NATIVE POLICY

Indians concur in and welcome the broad principles of Native Policy enunciated by His Majesty's Government in the Memorandum on Native Policy (Command Paper 3573). In particular they whole-heartedly support the paramountcy of Native interests in all its implications, and the principle that the relation of His Majesty's Government to the African population is one of a Trusteeship that cannot be devolved. They desire and will welcome the carrying out of those principles of Native Policy in the letter and in the spirit, and for that purpose will strive to bring the legislation of the Colony into conformity with the spirit of that Policy and to abolish the several restrictions and restrictive measures applied to Africans, such as:-

- (a) restrictions on growing of crops:
- (b) restrictions on number of stock owned:
- (c) Native registration (kipandi system):
- (d) unfair system of taxation:
- (e) restrictions on freedom of associations and meetings.

IMMIGRANT COMMUNITIES

Broadly, Indians urge that, subject to the acceptance of the paramountcy of Native interests in all its implications, there should be equal treatment accorded to all citizens of the Colony, and equal opportunities should be offered to all residents to develop and rise in any walk of life without distinction of colour or creed. It must be the aim of the Government to bestow a common citizenship without regard to the accidents of colour or of birth.

INDIAN DISABILITIES

Indians in Kenya suffer from many disabilities, social and economic, as well as political. Chief amongst them are: they are not satisfied with the measure of representation granted to them on the Legislative Council on a communal franchise: they are precluded from holding or leasing agricultural land in the Highlands: residential segregation in townships continues in practice in spite of its formal abandonment by His Majesty's Government in the declaration in Command Paper 1922: a number of public and Government bodies, affecting the general interest, have been created without an Indian being appointed to one of them: in those instances where Indians have been appointed adequate representation is not given: sums granted by the local Government to meet educational and medical needs of Indians are totally inadequate. Unfair

discrimination is made against Indians in the public services and in several other matters Indians suffer various disabilities.

CLOSER UNION.

In any scheme of Closer Union, European Colonists are likely, in the light of past events, to occupy the most important position. Their influence, owing to their aggressiveness, will play a decisive part in shaping the future course of policy, and Tanganyika Territory and the Uganda Protectorate may be infected with the racialism which has tainted the public life of Kenya. Therefore, in the interests of Africans and Indians, Indians in Kenya are strongly opposed to any scheme of Closer Union. They are, however, prepared to consider favourably closer co-operation in economic matters between the three territories, but the past experience of Tanganyika makes Indians outside Kenya apprehensive lest economic co-ordination should lead to a neglect of their interests. The results of such co-operation as has already been brought about regarding the working of railways and the imposition of Customs duties, have not given satisfaction to Uganda or Tanganyika or to Indians in general. The present arrangements have been more in the interests of the Kenya Highlands than of Tanganyika and Uganda.

The Native policies of Tanganyika Territory and Uganda are much more favourable to Native development than is the Native policy of Kenya. Both in the interest of Natives and of Indians, therefore, Indians do not desire any change of constitution in regard to the relation of the three territories which will make the Native policy in Tanganyika and Uganda less liberal.

After carefully reviewing past history in East Africa, Indians are against the creation of a Central Authority and the appointment of a High Commissioner. But should such

an appointment be recommended by this Committee; Indians urge the following conditions in the interests of the non-European communities:

- (i) Special care should be taken to see that the headquarters of the High Commissioner are located now and in the future outside the sphere of influence of Kenya.
- (ii) The authority of His Majesty's Government in racial matters should remain unimpaired.
- (iii) The High Commissioner should issue no instructions relating to such matters without consulting his Advisory Council, and the members of the Advisory Council should have the right of appeal to the Secretary of State for the Colonies against a decision of the High Commissioner involving racial interests.
- (iv) In order that the High Commissioner may take into consideration Indian interests, it is necessary that half the unofficial members nominated from each Territory should be Indian; and that one of the Private Secretaries to the High Commissioner should be an Indian officer belonging to the superior Civil Service in India.

Indians attach great importance to these proposals.

• LEGISLATIVE COUNCIL OF KENYA

Indians give their unequivocal support to the following Conclusions of His Majesty's Government contained in Command Paper 3574: namely:

- a. "The goal of constitutional evolution in Kenya as elsewhere is admittedly responsible government by Ministry representing an electorate in which every section of the population finds an effective and adequate voice, but that goal cannot be reached at an early date in a community where it has so far

been practicable to enfranchise less than one per cent of the population, and where the idea of any substantial extension of the franchise finds little general support".

- b. The retention of the Official Majority.
- c. That all Councillors, whatever their race, and whether they are or are not Government officials will, of course, be on an equal footing as members of the Council; and that they will, in particular, be entitled to a proportionate share in the membership of any Committee that may be set up.
- d. That the constitutional right of the Governor to require, in any case in which he may deem it necessary, that all official members should support his policy by their votes, should be retained.
- e. That, with regard to the franchise for the Legislative Council of Kenya, His Majesty's Government are of opinion that the establishment of a Common Roll is the object to be aimed at and attained, with an equal franchise qualification of a civil or educational character open to all races.

But Indians desire to impress upon the Committee that the immediate introduction of a Common Roll is essential for securing co-operation between different races in the interests of the peaceful and progressive development of the country as a whole: that the direct representation of Africans by Africans on the Council is essential for the proper safeguarding of Native interests, and that justice demands adequate representation for all communities.

It was stated by the Majority Commissioners in the Report of the Hilton Young Commission:

"that, inasmuch as the progress of the territory must depend on co-operation between the races, the ideal to be aimed at is a Common Roll on an equal franchise with no discrimination between the races".

Indians attach the greatest importance to the introduction of the Common Roll. It was then stated by the Majority Commissioners:

"It is at the same time clear that this ideal can be realised only by consent, and that the consent of the European community can only be obtained if they are given a feeling of security that their interests and institutions are not in danger of being overwhelmed by the mere numbers of the other communities."

Indians strongly repudiate the theory of the consent of any particular community being necessary to the introduction of any such necessary measure of reform so long as the Imperial Government is of the considered view that a particular step is necessary in the best interests of the country as a whole.

I venture to submit to the Committee that the impression given in the past by the course of action adopted by His Majesty's Government and by responsible statements from responsible quarters is that the community best able to make the situation difficult for the Administration is the one most entitled to be heard.

In my submission that is not the consideration which should alone influence the decision of His Majesty's Government; otherwise it leaves no alternative for other communities but to create difficult situations when they do not approve of particular measures or reforms.

Secondly, I venture to submit that in the introduc-

tion of an elective principle in the form of the Communal Franchise, the assent of the Indian community, which opposed its introduction bitterly, was not considered necessary.

Apart from these considerations, however, Indians have always shown their readiness to allay reasonable European apprehensions. They have, on more than one/occasion, agreed to the provision of proper safeguards for European interests. In 1922, when the Wood-Winterton Agreement was negotiated, in return for a Common Roll they consented to a franchise which would have limited the number of Indian voters to ten per cent of the Indian population, to reservation of seats for the two communities in order to avoid the possibility of inter-racial contests, and to a scheme of representation which would have given them four seats against seven assigned to Europeans. And in 1927 they reaffirmed this position before the Hilton Young Commission, and expressed their willingness to consider any further safeguards which might reasonably be regarded as necessary for the security of European interests.

Apparently the only ground on which the European community rejected the settlement proposed in 1922 was that it gave no guarantee against the predominance of Indians in the electorate in the future. It should, however, be noted that even the present system does not ensure absolute protection to Europeans. Indians are prepared to make great sacrifices in order to establish a system which will lay the foundation of a common East African citizenship, but should the obstinacy of the European community be allowed to stand in the way of the progress of the Colony there is nothing to prevent them from demanding representation proportionate to their population.

In my respectful submission, there is not one valid argument advanced by the European community against the introduction of a Common Roll except their fear of their security, and this Indians are willing to meet and safeguard. On the

other hand, Indians have advanced unanswerable arguments in favour of a Common Roll, and their view has found support in the report of the Hilton Young Commission, in the Conclusions of His Majesty's Government on Closer Union in East Africa, and in the recommendations of the Donoughmore Commission on the Constitution of Ceylon, which laboured in a different field from that of the Closer Union Commission: The Commissioners on Ceylon say:

"It was generally admitted, even by the communal representatives themselves, that the communal form of appointment to the Legislative Council was a necessary evil, and should only continue until conditions of friendliness and acknowledgment of common aims were developed among different communities. It is our opinion, however, that the very existence of communal representation tends to prevent the development of these relations, and that only by its abolition will it be possible for the various diverse communities to develop together a true national unity.As has already been suggested, it tends to keep apart and to send communal representatives to the Council with the idea of defending particular interests instead of giving their special contribution to the common weal.....Our investigations show that the desire for communal representation tends to grow rather than to die down. In these circumstances it would seem ~~in~~ well to abolish it altogether while the number of seats is so comparatively small".

This condemnation of communal electorates applies with special force to racial electorates such as those which prevail in Kenya.

Separate representation in Kenya is sometimes com-

pared to the communal system of election which prevails elsewhere. The comparison is, however, fallacious. If minorities in other countries were granted the concessions which Indians are prepared to make to Europeans in Kenya it may be taken as certain that the question of separate electorates would find no place in modern political problems. What, however, is more important is that the system which prevails in Kenya is not communal but racial. It creates two types of citizenship, one higher and the other lower, and has demonstrably a tendency to make one section of the population regard itself as the governing class.

LAND.

Indians submit that all necessary land for the present and future development of Africans should be secured for Africans and their rights to land made certain and protected in their best interests. After this has been done, the land alienated to immigrant communities should be freely transferable to any resident in the Colony, and, apart from the land secured for Africans, there should be no reservation nor segregation in the ownership, transfer or use for residential purposes of any land, either agricultural or township.

EDUCATION.

I desire to submit three important points:

- (i) Adequate facilities for education of all races must be provided without any distinction:
- (ii) For promoting education higher than secondary and other technical institutions, it is essential that a mixed educational system at a certain stage must be evolved; the earlier the better. Otherwise no community by itself is likely to possess sufficient students to warrant the cost of provision of such education:

(iii) When there is no provision in the country for a higher standard of education than a particular standard, for a particular race, and no provision can be made for want of sufficient funds or number of sufficient students of that race, an exception should be made and students who desire to go in for such higher education should be admitted in the institutions of any other race having facilities for such higher education.

GOVERNMENT BODIES.

It should be provided in the Constitution that Indians should be granted adequate representation on all Government-appointed bodies, committees and Commissions.

EQUALITY OF TREATMENT

All immigrant communities should be accorded equal treatment in settling, mining, acquiring and possessing land, and should be equally treated in the grant of educational and medical facilities and in all other directions of public privilege and assistance. Any legislation making discrimination between individual immigrant communities in any manner whatsoever should be revised and amended, and the Administration should ~~receive~~ be given instructions to make no distinction between citizens and citizens in any form in practice.

I have ventured to refer to certain matters not strictly within the terms of reference to this Committee, as I have seen that several other witnesses have referred to one or other of them during the course of their evidence.

LONDON,

29th May, 1931.