

1938

38045

CO 533/490
KENYA PART I

38045

EAST AFRICAN INDIAN NATIONAL CONGRESS

Previous

1936

Subsequent

1939

297

25/1/38

309

3/2

M. J. J. J.

4.2

C. BOTTOMLEY

4.2

R. 304

/

R. 303

9/2

R 299

12/2

298

15/2

297

2/3

J. C. J. J.

2/3

R. 302

/

1. Govt Dep, Kenya ————— 20 ————— 14.1.38

To copy of Resolutions passed at the 14th Session of the Congress held in Nairobi on 1st & 2nd January, 1938.

The EA Indian National Congress passes resolutions:-

No 4 against the Transport Control Bill: This is under discussion on the 7th.

No 6, 12/25 in favour of increased freedom for Indians to acquire land (No 12) in particular against the impending legislation "reserving" the Highlands for Europeans. There does not seem to be anything new in this.

No 7 requesting the Govt of India to look after Indians abroad.

Against the wheat duty (No 8), the Trade Union ordinance (No 9), and in favour of improved conditions of labour (No 11 & No 13), increased Indian franchise and representation (No 10 & 14), and improved educational facilities for Indians (No 18 & 22).

No 3 against the Langdon Clove Legislation.

? Ack Receipt —

? Mr Gopalan to see No 3 — a party

Clothing article 3/2

send copy of the comm. to I. O. info LF ref. (7) on the new file.

Copy reqd on 15033/138 Ecm.

Copy of resolution No 3 to be placed on the Ecm. file about 2'6m clover.

A. D. Awe

4.2

(action)

Action as husband. Then let Sir
Charles see me at leisure. There is
nothing actively eruptive here.

[I am very jealous, as is dead.
Verna can be found]

U.C.
11.2.38
ant

2 To: Kanya 78. 1. Howard. 12 FEB 1938

REVOKED UNDER STATUTE

3. To: I.O. (w/c 1+2) $\frac{B}{1A}$ - 15.2.38
encl.

Request as
at ~~the~~ releat

To the land in the area see 3.2.38

AIR MAIL

KENYA
NO. 20



GOVERNMENT HOUSE
NAIROBI
KENYA

3

14 JANUARY, 1938.

RECEIVED
21 JAN 1938
C. G. REGY

Sir,

With reference to my
despatch No. 634 of the 17th December, 1935,
I have the honour to transmit at the request
of the East African Indian National Congress,
a copy of the Resolutions passed at the 14th
Session of the Congress held in Nairobi on
the 1st and 2nd January, 1938.

(5) on 38045/36

Amund. (2)

I have the honour to be,

Sir,

Your most obedient humble servant,

H. M. King
GOVERNOR'S DEPUTY.

copy to I.O. 3

THE RIGHT HONOURABLE
W. ORMSBY GORE, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET,
LONDON, S.W. 1.

4

RESOLUTIONS PASSED AT THE 14TH SESSION OF
THE EASTERN AFRICA INDIAN NATIONAL CONGRESS.

1. This Congress expresses its great sorrow at the sad demise of Mr. A.M.Jeevanjee and Mr. B.S.Varma both pioneer leaders and past Presidents of the Congress.

Chair.

Passed.

2. This Congress extends a hearty and cordial welcome to M.H. Ismail Esq., the first Indian Trade Commissioner for East Africa and hopes that his advent will prove beneficial to the Indian community in general and to the Indian trade interests in particular.

Chair.

Passed.

- 3-(a). This Congress fully sympathises with the Indian Community of Zanzibar in its brave and just struggle against the Clove Legislation which has established Government monopoly for internal and external clove trade of the Protectorate through the Government Department misnamed as the Clove Growers Association. This Congress is of opinion that the said legislation is against the best interests of the clove growers and the trading community of Zanzibar and aims at eliminating the Indians therefrom and is also injurious to the permanent interests of the country. This Congress congratulates the Indian Community of Zanzibar on its endurance and steadfastness in the clove strike to preserve its elementary rights as an integral part of the permanent population of Zanzibar and its fullest support.
- (b). This Congress is of opinion that the efforts of the Government of India to safeguard the legitimate interests of Zanzibar Indians in the matter of clove trade have not resulted in any adequate relief of the Indian Community and urges the Government of India to take further effective steps to protect the interests of Indians, including imposition of embargo on the importation of clove.
- (c). This Congress appreciates the magnificent support given to Zanzibar Indians by the Indian National Congress, The Imperial Indian Citizenship Association and other institutions as also by the leaders, clove merchants and the public of India and feels confident that this will be continued till justice is done. Further this Congress regrets the attitude of the Independent Party in the Central Legislature in India possibly due to misunderstanding of facts and requests all parties in India to keep the question of Indians Overseas above party politics.
- (d). This Congress protests against the continuance of the moratorium in Zanzibar which has been in force since the 1st. of July, 1934 causing great hardship to the creditors because of the indefiniteness of the period for which it may remain in force. The enforcement of this one-sided moratorium which affects Indians only for such an unduly long

period/

- 2 -

period in normal times is unprecedented and gives rise to suspicion as regards the real intentions of the Government in connection with the settlement of debts. This Congress hopes that the Zanzibar Government will introduce a just and equitable measure for debt settlement without any further delay in the interests of the Protectorate as a whole.

Proposed by Dr. Topiwalla. Seconded by Mr. A. Pritam.

Passed.

4. This Congress considers the Transport Control Bill as a serious inroad on the economic interests of the Indian Community in this Colony and condemns the Government's attitude in not granting the Indian Elected Members the requisite representation on the Select Committee appointed to consider the Transport Control Bill, and also condemns the unsympathetic attitude adopted by the Government regarding the Indian demand for representation on the proposed Licensing Board and requests the Secretary of State to withhold his assent to this bill.

Proposed by Mr. D. D. Puri. Seconded by Mr. A. Pritam.

Passed.

5. This Congress reaffirms its previous resolutions in respect of the following:-
1. Appointments of Indians on all Public Bodies, Commissions, Committees and Boards.
 2. Appointments of Indians to higher grades in Judicial, Executive, Administrative, and Railway services.
 3. Abandonment of Segregation.
 4. Administration of Arms Laws.
 5. Trial by Jury.
 6. Justice of the Peace.
 7. Medical facilities
- and instructs the executive of the Congress to make further necessary representation with the Government.

Chair.

Passed.

6. Whereas according to Agricultural Census for 1936 approximately 16 per cent only of the total holding in Kenya is being actually beneficially occupied by European farmers the uncultivated areas should be reverted to the Government and thrown open to all races without any restriction whatever.

Chair.

Passed.

7. This Congress requests the Government of India to create a special Overseas Department to look after and deal with the problems of Indians abroad as it is becoming increasingly/

increasingly difficult for the Department of Education, Health and Lands to cope with all the problems in the manner they should be dealt with.

Proposed by S.T.Thakore. Seconded by Samuel Haq.

Passed.

8. This Congress wishes to place its strongest protest against the continuation of the protective duty on wheat and wheat flour, the staple food of the Indian population which has worked most harshly on the consumer for the last 14 years and is also affecting the Native population who are beginning to use wheat flour.

This Congress also wishes to place on record that the monopoly granted to a European Agency under the Sale of Wheat Ordinance has proved to be detrimental to the interests and requirements of the Indian consumer of wheat and wheat flour as regards the quality of wheat supplied and arbitrary prices by the millers, who are also the agents for the sale of wheat.

Proposed by Shamsud Doon. Seconded by D.D.Furi.

Passed.

9. This Congress considers the Trade Union Ordinance, 1937, to be very restrictive for the organisations of workers and especially the Indian workers, and urges upon the Kenya Government to repeal all the clauses of the said Ordinance which place unfair and unjust restrictions on workers' organisations, and to amend it in such a way as to make the powers of the Registrar and the Governor-in-Council subject to an appeal to the High Court.

Proposed by Makhan Singh. Seconded by Dr. De Souza.

10. Whereas in White Paper No. 3574 presented to the Parliament by the Secretary of State for the Colonies in June 1930 the principle was enunciated that with regard to the franchise for the Legislative Council of Kenya His Majesty's Government are of the opinion that the establishment of a common electoral roll is the object to be aimed at and attained, with an equal franchise of a civilisation or education open to all races. This Congress would now welcome the introduction of Common Electoral Roll.

Proposed by Isher Dass. Seconded by A.B.Patel.

Passed.

11. This Congress is of the opinion that it is in the interest of the Colony as a whole to encourage the Native agriculture in the Native Reserves particularly cash export crops.

Proposed by K.K.Pradhan. Seconded by S.T.Thakar.

Passed.

12. This Congress wishes to convey to the Imperial Government through His Excellency the Governor that the entire Indian Community of Kenya is definitely opposed to the policy of reservation of Kenya Highlands for the Europeans and reminds the Government that the community has emphatically disapproved of such reservation from the time of its inception under the pretext of administrative convenience as the said policy is injurious to the harmonious and peaceful development of the Colony and entirely unjustifiable as it does not only introduce racial discrimination as between His Majesty's subjects but also favours non-British Europeans in preference to British Indians who have played the most important part in the development and defence of this territory.

And, as such reservation has always been considered by the Indian Community as most unjust and iniquitous, the proposed Order-in-Council and the contemplated Advisory Board in connection therewith reaffirming the administrative practice should be dropped in the interests of Imperial solidarity.

This Congress strongly protests against the decision of the Imperial Government in approving the recommendations of the Kenya Land Commission in toto, without allowing the African and the Indian Committees to submit their views thereon and urges reconsideration of their decision at an early date. This Congress firmly believes that in making the recommendations as contained in section 1496 of the report in regard to grant of leases to the effect that in the African Reserves leases can be granted to Europeans and the Africans may be granted leases in European Highlands and making no provision for grant of leases to Indian settlers in African Reserves and the European Highlands and thus ignoring them altogether, the Imperial Government has done great injustice to Indian Settlers and urges Government to make provision for grant of leases to Indians in these areas on the same basis as that of the Europeans whenever there is a demand for such leases.

This Congress reiterates its strong protest against the reservation of Highlands in Kenya for Europeans only and challenges the declarations that any pledges were given to the European farmers for reservation of Highlands.

This Congress enters its strong protest against the recommendation of the Land Commission as contained in section 1957 of the report to the effect that the farms at present owned and cultivated by Indian settlers in or about Mohoroni should be merged in European Highland for ever, should such farms come to the market for sale and should a European happen to purchase them, and urges the Government to disown the recommendation. This Congress views with alarm the recommendation of the Commission in section 1979 of the report, namely, securing to the European farmers in Kenya and absentee farm owners in the Highlands by Order-in-Council and thereby imposing on His Majesty's Indian settlers a statutory discrimination which is in itself iniquitous, unjust and uncalled for and urges the Imperial Government to refrain from doing so until they have heard the Indian case.

Proposed by Mr. Amin. Seconded by Mr. Abbasi.
Passed.

- 5 -

13. This Congress keeping in view the poor conditions of the Indian workers urges upon the East African Governments to introduce legislation regarding workman's compensation, minimum wages, and to regulate the working hours to eight hours a day and 45 hours a week, and also to increase the wages of Indian workmen where they are low, to replace daily wages by monthly wages in the Public Works Department and the Railway, and to provide facilities, such as free quarters and holidays with pay where they are not provided.

This Congress urges upon the Kenya and Uganda Railways and Harbours to improve the working conditions of the Indian artisans, to increase their wages where they are low, to provide free quarters and holidays with pay, keeping in view its anticipated budget surplus this year.

Proposed by Mota Singh. Seconded by S.G.Amin.

Passed.

14. This Congress is of the opinion that Indian representation on the Legislative Council of Kenya is inadequate under the present Constitution and urges upon His Majesty's Government to grant a substantial increase and notes with regret that neither the Imperial Government nor the Local Government have paid any attention to the recommendations of the Joint Parliamentary Committee contained in para 97.

This Congress also urges upon the Government of Kenya to increase the representation on the Standing Finance Committee.

Chair.

Passed:

15. This Congress sends its heartiest felicitations to the Indian National Congress on its complete victory in the election in seven Provinces and their formation of Ministries in the seven Provinces in India, and prays that the struggle of the Indian Nation be crowned with success.

This Congress requests the Foreign Department of the Congress in India to explore ways and means of strengthening the points of contact between the Congress in India and the E.A.I. National Congress.

Chair.

Passed.

16. This Congress is of the opinion that sufficient attention is not paid to the development of the Coast and urges the Government to give greater attention to the needs of the Coast and intensify Native production.

Proposed by K.K.Pradhan. Seconded by P.D.Master.

Passed.

17. This Congress requests all employers to so reduce the working hours of their employees as to give them sufficient time for recreation aiming at not more than 8 hours a day and 45 hours a week.

Proposed by Makhan Singh. Seconded by Mota Singh.

Passed.

- 18.(a). This Congress is of the opinion that the present education vote is inadequate to meet the needs of the Indian Education in Kenya and urges the Government of Kenya to increase it substantially.

- (b). This Congress protests against the cut in grants-in-aid to Indian schools and requests the Government to restore same to the original scale at least in case of elementary schools.

- (c). In the opinion of this Congress time has now come when the Indian Education in elementary standards be made compulsory.

Proposed by D.D.Puri. Seconded by A.S.Patel.

Passed.

19. Notice of motion to change the Constitution of the Congress:-

Delete section H and put in the following instead:-

"Five months before the Session, the Executive of the E.A.Indian National Congress will circulate to all Constituent Indian Associations a panel of names not exceeding four and not less than two persons whom they think should be elected as presidents of the year's Session. The Indian Associations of different places affiliated to the E.A.I.N.Congress will have the right to suggest any more names within fifteen days of such circularisation and the Executive will then seek the consent of the nominees and circulate the list of consenting nominees sixty days before the session for the purpose of voting."

Proposed by Dr. Arve. Seconded by P.A.Mehta.

Passed.

20. Whereas it has been authoritatively recognised that the Indian agriculturists have provided peculiar demonstration to the Africans without being a burden to these territories; this Congress taking the broad view of the alround development of His Majesty's East African Dependencies urges upon His Majesty's Government to appoint a Commission to inquire into and report upon the possibilities of increased settlement of Indian agriculturists and to formulate proposals with a view to encouraging such settlement.

Proposed by K.K.Pradhan. Seconded by Abassco.

Passed.

- 21. This Congress urges upon the East African Governments to employ His Majesty's Indian Subjects in the Administration in preference to foreigners.

Proposed by Shamusuddeen. Seconded by Isherdass.

Passed.

- 22. This Congress requests the Education Authorities to maintain an invariable policy of entrusting education of Indian boys and girls to Indian headmasters and head mistresses in the interests of the alumni.

Proposed by Abasse. Seconded by Isherdass.

Passed.

- 23. This Congress urges upon the Government to implement the resolution of the Nairobi Municipal Council asking for the election of seven Indian members in toto, which resolution has been re-affirmed by the Nairobi Municipal Council thrice by an overwhelming majority.

In the opinion of this Congress any further pandering to the demands of religious institutions in civic matters is likely to inundate the Government with requests for reservation of seats from a number of sections and sub-sections of a religious group and encourage splits in the Community with dangerous repercussions.

Proposed by S.T.Thakore. Seconded by Kassam Kanji.

Passed.

- 24. This Congress authorises the Executive to get in touch with Indian organisations of sister territories with a view to evolving a coordinated organisation and to submit a workable and feasible scheme acceptable to all.

Chair.

Passed.

- 25. This Session of the E.A. Indian National Congress desires to send a deputation to India to agitate and create public opinion against the promulgation of the proposed Order-in-Council in relation to White Highlands and to move the Government of India to forestall the measure and authorises the Executive Committee to decide the personnel of the deputation including those that are elected by this session who should sail by the steamer on the 27th January 1938 paying their own passage and personal expenses. This Congress further authorises the Executive to raise a fund to be spent for propaganda purposes both here and in India.

Proposed by Isherdass. Seconded by Pujara.

Passed.