

1935.

Kenya.

No. 38048/3.

SUBJECT

CO 533/456

Conditions of Service.

Asian Local Civil Serv

Previous

23065/3/34.

Subsequent

1937.

Conditions of
Service.
Petitions.
Asian Local C.S.

1. Gov. Kenya Confidential 16. 2nd February 1935.

Transmits petition from the Asian Civil Service Association regarding the establishment of an Asian Local Civil Service and submits observations thereon and comments on the points raised in No.4 on 23068/3/34. Requests telegraphic approval to the inauguration of the Asian Local Civil Service with retrospective effect from the 1st January 1935.

Attached will be found a comparative table prepared by Mr. Grossmith of the points made in the petition and the Governor's comments.

The petition is quite a good and reasonable presentation of the Asiatics' case, and no exception can be taken to its tone. It does not itself lay very much stress on the (unfounded) argument that the establishment of this Service involves racial discrimination between Europeans and Asiatics. But that point was much emphasised in the debate by the Asiatic spokesmen in the Legislative Council. They argued that the intention behind the establishment of a special service for Asiatics is to debar Asiatics from any appointment which does not fall within the service, i.e. from all but entirely subordinate posts; they urged that the salaries of posts included in the European Local Service, as compared with salaries which the same posts carried before the Service was established, have for the most part been increased, in recognition of the removal of the privilege of free quarters and the imposition of contributions towards the Provident Fund; while in the case of Asiatics, although there is the same loss of privileges, the salaries will on the whole be reduced as compared with existing rates; they pointed out that, while Europeans

Europeans employed in the Local Civil Service will not be called upon to serve, in order to qualify for leave with full passage privileges, a tour which is longer than the maximum tour imposed by the Regulations in force when the Service was established, nor to accept a reduced leave ratio, in the case of Asiatics the tour necessary to qualify for full passage privileges is twelve months longer under the proposed Local Civil Service Regulations than the maximum tour contemplated by existing Regulations, and the leave ratio is reduced from 2.5 to 1.8 days a month; the effect is to provide the same leave after a six years tour as is now available after a five years tour. They saw in all these things a definite anti-Asiatic policy designed to keep Asiatics in a subordinate position and to depress their standards of life. They demanded that there should be equality of opportunity in regard to higher posts and that, in deciding the remuneration and the privileges of Asiatics in the Local Civil Service, the principles which have been applied to Europeans, viz a general increase in salaries and no increase in the normal tour, should be extended to Asiatics.

Apart from the racial aspect, the petitioners urge also that, considered solely on their merits, the rates of remuneration proposed and the changes in the leave conditions are inequitable. They say:-

(a) That account ought to be taken of the improved standards of living which Asiatics may

may legitimately expect as a result of the influences induced from contact with European standards;

(b) that it is unfair to reduce rates of remuneration, in addition to taking away the privilege of free quarters and imposing compulsory deductions from salary for the Provident Fund; on the contrary, salaries ought to be increased to compensate for these additional liabilities;

(c) that in any case, after allowing for rent, municipal rates, and contributions to the Provident Fund and the Widows' and Orphans' Pension Fund, the rates of remuneration proposed will be inadequate to enable an Asiatic officer to maintain himself as a married man with a family;

(d) that Asiatics are no less susceptible to climatic influences in Kenya than are Europeans: a six years tour is too long, if definite risks to health are to be avoided.

The actual proposals which the petitioners make are indicated in Mr. Cross-Smith's memorandum and also in the memorandum No.2A on 2306d/3.

In reply to these representations it is pointed out by the Kenya Government in the first place that the Local Civil Service introduces no racial issue at all. The opportunities which every Asiatic officer now has to rise to any appointment for which his capabilities fit him remain as before. The fact that different conditions of service are appropriate for Asiatics and for Europeans has long been recognised; it is

+ viz 48 months

.72 months against months.

may

act

not based on grounds of racial discrimination, and the proposals for the establishment of the Asiatic Local Civil Service in this respect merely follow existing policy.

As regards the actual rates of remuneration and leave conditions, the answer to the representations of the Asiatics is that these have been fixed on their merits with due regard to all the circumstances after prolonged consideration and enquiry; account has been taken of the rates of remuneration and other conditions given to Asiatics employed on corresponding work by commercial firms; and the general principles followed in determining conditions of service for Europeans in the European Local Civil Service have been adhered to in determining the corresponding conditions for Asiatics in the Asiatic Local Civil Service. On this basis the Government defended its proposals in the Legislative Council and refused to make any concessions, and the despatch takes the same line.

It seems to us that in a matter of this kind it is extremely difficult for the Secretary of State to form an independent judgment as to what terms of service are reasonable. The thing depends so much upon local circumstances and factors of which he is not in a position to judge. That the Asiatics should protest is not, of course, surprising, and so far as we can see it is on the whole not unfair to say (as they do) that, as compared with the terms approved for the European Local Civil Service, the proposed terms for the Asiatic Local Civil Service represent generally a greater reduction in existing privileges; but that does not mean that different principles have been adopted in dealing with the two Services, or that

4
that there has been any discrimination against Asiatics as such: the new terms have for both Services been devised, not on the basis of percentage increases or reductions on the old terms, but on a de novo examination of what conditions are in present circumstances appropriate: there can be no question that the local Government has gone very carefully into this matter, that the conditions of service have not been drawn up light-heartedly, but are the result of a scientific investigation, and that the local Government itself is satisfied that on their merits they are fair and reasonable. That is after all the main point, and on this basis we do not think that it is possible to take any other course than to support the Government and to inform the petitioners that their petition has been carefully considered, in consultation with the Governor and in the light of the debate in the Legislative Council, but that the Secretary of State regrets that he cannot see his way to grant their requests.

A
As regards the various points raised in the Secretary of State's despatch of the 21st of December (4 on 23068/3/34), these are adequately dealt with by the Governor. The situation in regard to confirmation as explained on pages 6 and 7 of the Governor's despatch is to our mind a decidedly odd one, but we do not think that the method in which the Governor proposes to treat the officers concerned involves any injustice.

Subject to Mr. Seel's observations in regard to the Provident Fund, I proceed as at 'A' by telegram and approve the inauguration of the service on the terms proposed with effect from the 1st January.

J. B. Hunter
9/3

W. B. ...
8/3

Governor Payne Feb 23/35 15 March '35

Inquire whether why to No 1 can now be given.

No Seal

No Flood.

Please see the previous minutes. These ~~for~~ have been in circulation with the P. R. File. 14/3/35.

I minutes on to the President

and on 20/33/6/35, and the

of. Advance on that file requires

to be referred to the Legal Adviser with

a view to the best sanctioned as suggested

As the amount raised on this

for ~~the~~ of all contributions, I

opine that there is no case for (new)

a higher rate than applied in the

continent, 0% for Europeans, indeed,

if there is anything of the general

complaint at (c) of Acheson's minute

of 23. The contributors could not stand

any increase of their rates.

J. Seal
15/3

I have had to keep this ~~use~~ to read through it, and the only conclusion to which I can come is the same as that expressed by Mr. Acheson and Mr. Grossmith, namely, that the whole thing is a matter on which we have simply got to be guided by the local Government. Nobody here is in any position to judge as to the conditions of service which are appropriate for Asiatics in the service of Kenya.

Mr. Grossmith's memorandum shows quite clearly that most of the remarks in the petition have no real foundation in fact, and further shows that their representations have been considered carefully.

On the general principle of employment of Asiatics, it is really necessary to remember that the Asiatic is only taken on by Government in Kenya because there is no force of natives available to fill the lower posts in the Civil Service. If there were natives available, then the Asiatic should expect to go to the wall, because he is not a European and has no right to expect the same treatment as Europeans. If he did anything he would be a substitute for the lower grades now filled by Europeans, and he would probably be quite an efficient one. It would, however, be quite wrong to give him the same treatment as regards salary, leave, etc. and if he aims at making his service too costly, he will fall between the European competition on one side and the inevitable African competition on the other.

It is rather curious that the memorial asks for increases in the contributions to be made by the staff to the Provident Fund without any corresponding increase being asked for from the Government. The Governor has considered this and sees no justification for altering the rate. On this point I think the Governor is right, because to take 7½ per cent. from the contributions of the lower paid Asiatics would mean a fairly substantial inroad into their salary and would, therefore, in a few years' time form the basis of a demand for increased pay on the ground that heavy deductions were made for the Provident Fund scheme.

After going through the thing more than once, I can only come to the same conclusion as the Governor in para. 4, where he says that there are no genuine grievances and that the record of this objection shows little substance. There must be some attempt at finality somewhere in Kenya and it is really time to say "No".

Draft telegram herewith.

J. C. W. Flood
4.4.

(I must send on as it is a Petition)

Agree

AM
9/4/35

Love Payment

I agree

at me
15/4/35

3 Tel to Gov. no. 102 conf - 15/4/35
RM

Copy of Secretariat Circular of 18 May '35, No. 15.
(Received under cover of letter of 5 July '35 on 58119/35.)

The Circular authorises the terms proposed in the Report of the Civil Service Board on ~~the~~ * Conditions for the Asian Local Civil Service, with the substitution of 18 days for 14 days local leave. The Govt has approved the inauguration of the service on these terms as from the 1st January 1935, or from any later date that may be more convenient.

(No. 3)

According to the Circular the new service came into effect on the 1st of May 1935.

? C.O.D. to see

Butly
C.A. from me with
30/7/35.

AM
2/9/35 AR Johnson
5/79

5. Copy of Secretariat Circular No 114 of 1935.

6. Copy of Secretariat Circular No 174 of 1935.

(Reqd. for record in accordance with minute of 10th Aug 35
on 38119/35 Kenya).

JM

7. Govt. Order - No. 158. Conf. - 27.12.35

True copy of two Resolutions passed at an
Extraordinary Sess. Mtg. of the Kenya Assoc. C.S. on
16.7.35 protesting against the rejection by
the Sec. of State of the petitions indicated.
Cases that no further representations have
been received from the Assoc.

On the possibility of a
deputation to the Govt.

? Put by

C. J. ...
4/1/36

J. J. ...
4/2

I don't think
they do.

I am not sure that the Resolutions
indicate anything more than deputations to the
Governor.

[Signature]

5th February, 1936.

ack. receipt. *J. E. O. ...*
6.2

To Kenya, Conf (7 answered)

17 FEB 1936

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(Reqd. for record in accordance with minute of 10 Aug 35
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been received from the Assn.

On the possibility of a
deputation to the Govt.

? Publey

Cat. Govt. Secy
4/2/36

J.P. Parnum
4/2

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they do

I am not sure that the Resolutions
indicate anything more than deputations to the
Governor.

A. J. Parnum

5th February, 1936.

ack. receipt.

J. I. O. Hunt
6-2

To Kenya, Conf (7 Annand)

17 FEB 1936

KENYA.

No. 158

CONFIDENTIAL.



GOVERNMENT HOUSE,
NAIROBI,
KENYA.

27 December, 1935.

Sir,

1230914

With reference to my Confidential despatches No. 97 of the 30th June, 1934, and No. 16 of the 2nd February last, forwarding petitions from the Kenya Asian Civil Service Association relative to the amelioration of the existing terms of service of the Asian staff and to the proposed terms for Asian Local Civil Service, I have the honour to state that the decision in this connection conveyed in your predecessor's Confidential telegram No. 102 of the 15th April last was duly communicated to the Association.

2. At the request of the Association, forwarded to me on the 18th instant, I now transmit the accompanying copy of two Resolutions unanimously passed at an Extraordinary General Meeting of the Association held on the 16th July, 1935.

Resolutions.

I would add that since the date on which these two resolutions were passed no further representations have been received by me from the Association relative to the institution of the Asian Local Civil Service.

I have the honour to be,
Sir,
Your most obedient, humble servant,


BRIGADIER-GENERAL,
GOVERNOR.

THE RIGHT HONOURABLE
J. H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.

KENYA.

No. 158.

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GOVERNMENT HOUSE,
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KENYA.

27 December, 1935.

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I would add that since the date on which these two resolutions were passed no further representations have been received by me from the Association relative to the institution of the Asian Local Civil Service.

I have the honour to be,

Sir,
Your most obedient, humble servant,

H. G. Jones
BRIGADIER-GENERAL,
GOVERNOR.

THE RIGHT HONOURABLE
J. H. THOMAS, P.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES

4/23179/34

Handwritten scribble

RESOLUTIONS.

6) 3/29/34
(1) That this Extraordinary General Meeting of the Kenya Asian Civil Service Association strongly protests against the rejection by the Secretary of State of both the petitions dated the twenty-first day of April, 1934, and the twenty-seventh day of December, 1934, respectively, and empowers the Council of the Association to devise all possible means to get the new as well as the old terms of service revised to the satisfaction of the Council of the Association.

(2) And that to achieve the object in (1) above this Meeting further resolves that necessary representations be made through the medium of Memorials to Government and if necessary through a deputation to His Excellency the Governor.

COLONY AND PROTECTORATE OF KENYA

No. S.E. 7/1/2/II
CIRCULAR No. 17

THE SECRETARIAT,
NAIROBI,
KENYA.

25th June, 1935

CLERICAL LEARNERS—EUROPEAN AND ASIAN LOCAL CIVIL SERVICE
PROMOTION TO GRADE II CLERKSHIPS

Reference Appendix I of Secretariat Circulars No. 2 and No. 15 of 1935

It is notified for general information that when a vacancy for a Grade II Clerkship occurs in a department the claims of any Clerical Learner, in the department concerned or any other department, who is duly qualified, in accordance with the terms of the Circulars cited above, and is suitable for advancement, will be considered before any steps are taken to fill the vacancy from sources outside Government Service.

2. In this connection all Clerical Learners employed by departments which have provision for them in their Estimates will be regarded as being in a general pool and eligible for transfer on promotion to any vacant Grade II Clerkship in any department.

For this purpose, and in order that eligible Clerical Learners should not be compelled to wait the occurrence of a vacancy in the Grade II Clerical establishment of the department in which they are being trained, a roster of Clerical Learners who have qualified, and are suitable for promotion, will be kept in this office. This roster should be consulted by any Head of Department wishing to fill a Grade II Clerkship for which he has provision.

3. Heads of Departments concerned are accordingly requested to submit the names of Clerical Learners employed by them as soon as they have the qualifications for promotion, together with any recommendations.

H. G. PILLING,
Acting Colonial Secretary.

COLONY AND PROTECTORATE OF KENYA

6/9

No. S.E. 7/1/2/II
CIRCULAR NO. 17

G.—16
A.—1
D.—

THE SECRETARIAT,
NAIROBI,
KENYA.

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Acting Colonial Secretary.

COLONY AND PROTECTORATE OF KENYA

S.E.28/2/2/ Vol. II

CIRCULAR No. 14

G.—13

A.—1

D.—

THE SECRETARIAT,

NAIROBI,

KENYA.

9th May, 1935

LOCAL LEAVE—ASIAN STAFF

It is notified for general information that with effect from the date of this Circular local leave for Asian officers will be increased to 18 days a year.

Section 689 of the Code of Regulations is hereby cancelled and the following substituted therefor :—

- “ 689 (a) An officer serving under the terms of Regulations 600 or 601 (b) or (c) may be granted local privilege leave, which cannot be accumulated, at the rate of 18 days in each year of residential service. For the purpose of this regulation, a year will be reckoned as from the date on which an officer arrives at Mombasa or, if he is locally engaged, from the date of his appointment.
- (b) Local privilege leave should not be granted before an officer has completed six months' residential service in a tour and a period of six months should elapse after the completion of 18 days' leave before any further local leave can be granted.
- (c) Save in exceptional circumstances which must be reported to the Colonial Secretary, local privilege leave may not be granted within three months of an officer proceeding on vacation leave.
- (d) Local privilege leave may be granted by Heads of Departments. In the case of officers in the Provincial Administration sanction must be obtained from the Provincial Commissioners and Officers in Charge who should notify the Colonial Secretary for purposes of record the specific period for which leave is granted.
- (e) Permission may be granted for an officer to spend his local privilege leave outside the Colony. The address or addresses of the officer must be notified before departure.
- (f) An officer may be allowed to take local privilege leave at the rate of 18 days in each year in two or more portions, subject to the conditions laid down in sub-paragraphs (b) and (c) above.
- (g) Considerable importance is attached by Government to arrangements being made, whenever the exigencies of the Service permit, whereby officers are enabled to take an annual holiday.”

H. G. PILLING,
Acting Colonial Secretary.

To

All Heads of Departments,

All Provincial Commissioners.

The Officers in Charge, Northern Frontier, Turkana and Masai Districts.

COLONY AND PROTECTORATE OF KENYA

S.E.28/2/2/ Vol. II

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H. G. PILLING,
Acting Colonial Secretary.

To

All Heads of Departments,

All Provincial Commissioners.

The Officers in Charge, Northern Frontier, Turkana and Masai Districts.

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COLONY AND PROTECTORATE OF KENYA.

No. S/E.7/2/1/2/3.

CIRCULAR No. 15.

G. 14.

A. 1.

D. —.

THE SECRETARIAT,

NAIROBI.

18th May, 1935.

THE KENYA ASIAN LOCAL CIVIL SERVICE

The Secretary of State for the Colonies has approved of the inauguration of a Kenya Asian Local Civil Service. This Service (hereinafter referred to as the "local service") will come into being with effect from the 1st day of May, 1935.

PART I.

CATEGORIES OF OFFICERS.

Officers at present in the Service and who are occupying posts included in the local service will be divided into the following categories:—

1. CATEGORY "A"—OFFICERS WHO HAVE BEEN ADMITTED TO THE PERMANENT AND PENSIONABLE ESTABLISHMENT AND THOSE SERVING ON TERMS WHICH PROMISE PENSIONABLE STATUS.

(1) Officers in this category will not be transferred compulsorily to the local service, but may, if they so desire, and provided they are, at the time, occupying posts included in the local service, voluntarily transfer at any time during the course of their service.

(2) Any such officer who voluntarily transfers to the local service shall forfeit his pensionable status and—

(a) shall be subject to the scales of salary prescribed for the local service;

(b) shall be subject to the terms and conditions governing the local service at the date of his transfer, and to any variation in such terms of service as may be introduced subsequent to the date of his transfer; and

(c) shall, if not debarred therefrom by the provisions of the Asian Civil Service Provident Fund Ordinance, 1934, participate in the Provident Fund established under that Ordinance, and become eligible for the arrears of contributions paid by Government under section 6 (b) thereof.

(3) Any officer in this category who does not voluntarily transfer to the local service shall continue to serve as if the local service had not been inaugurated.

(4) If an officer in this category who has not voluntarily transferred to the local service is selected for promotion to a post included in the local service, the following provisions shall apply to such an officer as an arrangement personal to himself:—

(a) he shall retain his pensionable status and shall continue to serve on such terms and conditions of service as would have applied to him had the local service not been inaugurated; and

(b) the scale of salary attached to the post to which he is promoted shall be the scale of salary which would have been attached to the post had the local service not been inaugurated.

2. CATEGORY "B"—NON-PENSIONABLE OFFICERS SERVING ON LETTERS OF APPOINTMENT WHO, ON THE FIRST DAY OF JANUARY, 1933, HAD COMPLETED EIGHT YEARS' CONTINUOUS COLONIAL SERVICE.

These officers will be allowed to elect between—

- (a) continuing to serve on the terms and conditions of service which would have applied to them had the local service not been inaugurated, but without any prospect of being admitted to the permanent and pensionable establishment; or
- (b) transferring voluntarily to the local service and subjecting themselves to the terms and conditions which may from time to time govern the local service, and, if not debarred therefrom by the provisions of the Asian Civil Service Provident Fund Ordinance, 1934, participating in the Provident Fund established under that Ordinance, and becoming eligible for the arrears of contributions paid by Government under section 6 (b) thereof, but retaining throughout their service the same terms and conditions of service relating to passages and leave as would have applied to them had the local service not been inaugurated.

These officers will be required to exercise their power of election within six months from the date of this Circular.

3. CATEGORY "C"—OFFICERS ORIGINALLY ENGAGED OVERSEAS SERVING ON AGREEMENTS OR ON LETTERS OF APPOINTMENT WHO, ON THE FIRST DAY OF JANUARY, 1933, HAD NOT COMPLETED EIGHT YEARS' CONTINUOUS COLONIAL SERVICE.

(1) Such officers may—

- (a) continue to serve under their present terms during their present tours on the conclusion of which they will be required to transfer to the local service; or
- (b) elect within six months from the date of this Circular or before the completion of their present tours, whichever date is the earlier, to transfer to the local service.

(2) Upon such transfer such officers shall, in either case, save as herein provided, be subject to all the terms and conditions of service which may from time to time govern the members of the local service and shall, if not debarred therefrom by the provisions of the Asian Civil Service Provident Fund Ordinance, 1934, participate in the Provident Fund established under that Ordinance, and become eligible for the arrears of contributions paid by Government under section 6 (b) thereof.

Provided that such officers shall retain throughout their service the same terms and conditions of service relating to passages and leave as would have applied to them had the local service not been inaugurated.

4. CATEGORY "D"—OFFICERS ENGAGED LOCALLY SERVING ON LETTERS OF APPOINTMENT WHO, ON THE FIRST DAY OF JANUARY, 1933, HAD NOT COMPLETED EIGHT YEARS' CONTINUOUS COLONIAL SERVICE.

(1) Such officers may—

- (a) continue to serve under their present terms during their present tours on the conclusion of which they will be required to transfer to the local service; or
- (b) elect within six months from the date of this Circular or before the completion of their present tours, whichever date is the earlier, to transfer to the local service.

(2) Upon such transfer such officers shall, in either case, if not debarred therefrom by the provisions of the Asian Civil Service Provident Fund Ordinance, 1934, participate in the Provident Fund established under that Ordinance, and become eligible for the arrears of contributions paid by Government under section 6 (b) thereof.

(3) Any officer in this category transferring voluntarily to the local service within six months from the date of this Circular, shall be credited with the following proportions of leave and passage allowance in respect of his service up to the date of transfer:—

- (a) Leave—At the rates prescribed in paragraphs 671 or 672 of the Code of Regulations, as the case may be.
- (b) When any such officer spends his first vacation leave after his transfer to the local service outside the Colony he will (subject to any regulations which may be in force at the time he proceeds on leave relating to the number of days allowed for the voyage from the Colony) be entitled to add to his vacation leave such proportion of the number of days as would have been allowed for the voyage had the local service not been inaugurated, as is borne to forty-eight or sixty as the case may be by the number of months' service completed between the date of first appointment or the date of the last return from vacation leave whichever happened later and the date of transfer. For the purpose of this regulation fractions of a month and fractions of a day shall not be taken into account. For example: An officer whose normal tour is now forty-eight months and who returned from leave on the 22nd May, 1933, elects to transfer with effect from the 1st August, 1935, on which date he will have completed twenty-six months and ten days' resident service. If he subsequently goes on leave to India (normal voyage period ten days) he will be allowed to add $26/48 \times 10$ days, i.e. five days (excluding fractions of a day) to his vacation leave. Similarly, an officer whose normal tour is now sixty months will be allowed to add $26/60 \times 10$ days, i.e. four days (excluding fractions of a day) to his vacation leave.

(c) Passage.—Sixteen and two-thirds per centum of the cost of a passage in respect of every twelve months of resident service. In cases where the normal tour is now forty-eight months, each completed month of resident service between the date of first appointment or the date of the last return from vacation leave and the date of transfer shall count as one and one-half months for the purpose of this regulation. A fraction of a month under this calculation shall not be taken into consideration. For example: An officer whose normal tour is now forty-eight months and who returned from leave on the 22nd May, 1933, elects to transfer with effect from the 1st August, 1935. At the date of transfer he will have completed twenty-six months and ten days' resident service in his present tour which, under the above calculation, will be reckoned as thirty-nine months' service. He will therefore be required to complete a further period of thirty-three months' resident service to earn the remainder of his passage which will be fully earned on the 30th April, 1938.

In cases where the normal tour is now sixty months, each completed month will count as one and one-fifth months for the purpose of this regulation and any fractions will not be taken into account. For example, twenty-six months will count as $26 \times \frac{5}{3}$ i.e. 31 months.

(4) The provisions of sub-paragraph (3) of this paragraph shall apply to officers in Category "A" who voluntarily transfer to the local service.

5. CATEGORY "E"—OFFICERS SERVING ON A PURELY TEMPORARY BASIS.

All such officers occupying posts for which specific provision is made in the Estimates will, subject to the conditions governing entry and to the recommendations of their heads of departments, be transferred to the local service with effect from the 1st day of May, 1935. Their leave and passage privileges will be those prescribed for the local service in paragraphs 14, 15 and 16 of this Circular.

4

6. CATEGORY "F"—SECONDED OFFICERS.

The terms and conditions on which officers seconded to the service of this Government are at present serving will not be altered during the present period of their secondment.

GENERAL.

7. The terms of this Circular will not apply to officers at present occupying posts which are not scheduled for inclusion in the local service, or to officers who are debarred from becoming members of the local service. Such officers will continue to serve on such terms and conditions of service as would have applied to them had the local service not been inaugurated.

PART II.

VOLUNTARY TRANSFER PERIOD.

8. (1) Save as is provided in paragraph 1 (1) of this Circular, an officer with the power of election will be allowed up to six months from the date of this Circular in which to transfer voluntarily to the local service.

(2) Any officer who elects within that period to transfer to the local service must specify the date from which he elects so to transfer.

(3) Notification of election, which will be irrevocable, must reach the Colonial Secretary in Kenya or, if the officer is on leave in India, the Bombay Agents, within the prescribed period.

LETTER OF APPOINTMENT.

9. (1) Subject to the provisions of sub-paragraph (3) of this paragraph, an officer at present serving on a Letter of Appointment (other than a Letter of Temporary Appointment) or on an Agreement, shall, on transfer to the local service, be furnished with a Letter of Permanent Appointment in the form set out in Appendix V hereto.

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, an officer at present serving on a Letter of Temporary Appointment may, on transfer to the local service, be furnished with either a Letter of Temporary Appointment in the form set out in Appendix IV, or a Letter of Permanent Appointment in the form set out in Appendix V, as the circumstances relating to his appointment may require.

(3) Notwithstanding the provisions of sub-paragraphs (1) or (2) of this paragraph, no officer who is debarred by the provisions of the Asian Civil Service Provident Fund Ordinance, 1964, from becoming a contributor to the Provident Fund established under that Ordinance shall be furnished with a Letter of Permanent Appointment.

METHOD OF TRANSFER.

10. (a) An officer who is in receipt of a fixed salary and who transfers or is transferred to the local service—

(i) will, if he has been less than one year on a fixed salary, continue to draw salary at his old rate until he has been in receipt of the old salary for one year when he will proceed to the next incremental step in the new scale; but if he has been one year or more on a fixed salary he will, on transfer to the local service, enter the new scale at the next incremental point in his new scale and his future incremental date will be the date from which his transfer takes effect.

(ii) will, if at the date of his transfer he is in receipt of a lower salary than the minimum salary of the new scale applicable to his post, begin to draw the minimum salary of the new scale with effect from the date of his transfer.

(iii) will, if at the date of his transfer he is in receipt of a higher salary than the maximum of the new scale or the fixed salary applicable to his post, continue as an arrangement personal to himself to draw the salary of which he was in receipt at the date of his transfer.

(b) (i) An officer who is drawing salary on an incremental scale will, on transfer to the local service, continue to draw salary at his old rate until his next incremental date when he will proceed to such step in the new scale as will give him a salary of not less than the salary which he would have drawn under the old scale. For example:—

Officer on old scale of £168 by £9 to £216.

Incremental date 1st August.

New scale £146 by £12 to £280.

Salary at date of transfer (old scale) £177.

Salary on 1st August after the date of transfer (old scale) £186.

Salary on 1st August after the date of transfer (new scale) £194.

(ii) If the incremental date of an officer who is transferred to the local service falls on the date of such transfer, his new salary will be calculated on the basis of what his old salary would have been on the date of his transfer and he will proceed to such step in the new scale as will give him a salary of not less than the salary which he would have drawn under the old scale. For example:—

Officer on old scale of £168 by £9 to £216

Incremental date, date of transfer.

New scale £146 by £12 to £280.

Salary on day before date of transfer £177.

Salary on date of transfer (old scale) £186.

Salary on date of transfer (new scale) £194.

(c) If an officer is on the maximum of his old scale and that maximum is less than the maximum of his new scale and if he has served for one year or more on the maximum of his old scale he will on transfer to the local service enter the new scale at the next incremental point in his new scale and his future incremental date will be the date from which his transfer takes effect.

(d) If an officer has been less than one year on the maximum of his old scale he will on transfer to the local service continue to draw salary at his old rate until he has been in receipt of the old salary for one year when he will proceed to the next incremental step in his new scale.

(e) If an officer drawing salary on an incremental scale is in receipt of a higher salary than the maximum salary of the new scale or fixed salary attached to the post to which he has been transferred, he will, as an arrangement personal to himself, on such transfer continue to draw such higher salary, but he will not be entitled to any further increments under his old scale of salary.

PART III.

TERMS AND CONDITIONS OF SERVICE.

11. All members of the local service shall, save as herein provided, be subject to such regulations as may from time to time be in force for officers in the service of the Government of the Colony. Provided that all members of the local service, other than those specifically otherwise provided for in this Circular, shall be subject to the special regulations and terms of service set out in this Part and to such variations of and amendments to such regulations and terms and to such other regulations and terms of service relating to the local service as may from time to time be made by or approved by the Governor.

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6. CATEGORY "F"—SECONDED OFFICERS.

The terms and conditions on which officers seconded to the service of this Government are at present serving will not be altered during the present period of their secondment.

GENERAL.

7. The terms of this Circular will not apply to officers at present occupying posts which are not scheduled for inclusion in the local service, or to officers who are debarred from becoming members of the local service. Such officers will continue to serve on such terms and conditions of service as would have applied to them had the local service not been inaugurated.

PART II.

VOLUNTARY TRANSFER PERIOD.

8. (1) Save as is provided in paragraph 1 (1) of this Circular, an officer with the power of election will be allowed up to six months from the date of this Circular in which to transfer voluntarily to the local service.

(2) Any officer who elects within that period to transfer to the local service must specify the date from which he elects so to transfer.

(3) Notification of election, which will be irrevocable, must reach the Colonial Secretary in Kenya or, if the officer is on leave in India, the Bombay Agents, within the prescribed period.

LETTER OF APPOINTMENT.

9. (1) Subject to the provisions of sub-paragraph (3) of this paragraph, an officer at present serving on a Letter of Appointment (other than a Letter of Temporary Appointment) or on an Agreement, shall, on transfer to the local service, be furnished with a Letter of Permanent Appointment in the form set out in Appendix V hereto.

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, an officer at present serving on a Letter of Temporary Appointment may, on transfer to the local service, be furnished with either a Letter of Temporary Appointment in the form set out in Appendix IV, or a Letter of Permanent Appointment in the form set out in Appendix V, as the circumstances relating to his appointment may require.

(3) Notwithstanding the provisions of sub-paragraphs (1) or (2) of this paragraph, no officer who is debarred by the provisions of the Asian Civil Service Provident Fund Ordinance, 1934, from becoming a contributor to the Provident Fund established under that Ordinance shall be furnished with a Letter of Permanent Appointment.

METHOD OF TRANSFER.

10. (a) An officer who is in receipt of a fixed salary and who transfers or is transferred to the local service—

(i) will, if he has been less than one year on a fixed salary, continue to draw salary at his old rate until he has been in receipt of the old salary for one year when he will proceed to the next incremental step in the new scale; but if he has been one year or more on a fixed salary he will, on transfer to the local service, enter the new scale at the next incremental point in his new scale and his future incremental date will be the date from which his transfer takes effect.

(ii) will, if at the date of his transfer he is in receipt of a lower salary than the minimum salary of the new scale applicable to his post, begin to draw the minimum salary of the new scale with effect from the date of his transfer.

13

(iii) will, if at the date of his transfer he is in receipt of a higher salary than the maximum of the new scale or the fixed salary applicable to his post, continue as an arrangement personal to himself to draw the salary of which he was in receipt at the date of his transfer.

(b) (i) An officer who is drawing salary on an incremental scale will, on transfer to the local service, continue to draw salary at his old rate until his next incremental date when he will proceed to such step in the new scale as will give him a salary of not less than the salary which he would have drawn under the old scale. For example:—

Officer on old scale of £168 by £9 to £216.

Incremental date 1st August.

New scale £146 by £12 to £230.

Salary at date of transfer (old scale) £177.

Salary on 1st August after the date of transfer (old scale) £186.

Salary on 1st August after the date of transfer (new scale) £194.

(ii) If the incremental date of an officer who is transferred to the local service falls on the date of such transfer, his new salary will be calculated on the basis of what his old salary would have been on the date of his transfer and he will proceed to such step in the new scale as will give him a salary of not less than the salary which he would have drawn under the old scale. For example:—

Officer on old scale of £168 by £9 to £216

Incremental date, date of transfer.

New scale £146 by £12 to £230.

Salary on day before date of transfer £177.

Salary on date of transfer (old scale) £186.

Salary on date of transfer (new scale) £194.

(c) If an officer is on the maximum of his old scale and that maximum is less than the maximum of his new scale and if he has served for one year or more on the maximum of his old scale he will on transfer to the local service enter the new scale at the next incremental point in his new scale and his future incremental date will be the date from which his transfer takes effect.

(d) If an officer has been less than one year on the maximum of his old scale he will on transfer to the local service continue to draw salary at his old rate until he has been in receipt of the old salary for one year when he will proceed to the next incremental step in his new scale.

(e) If an officer drawing salary on an incremental scale is in receipt of a higher salary than the maximum salary of the new scale or fixed salary attached to the post to which he has been transferred, he will, as an arrangement personal to himself, on such transfer continue to draw such higher salary, but he will not be entitled to any further increments under his old scale of salary.

PART III.

TERMS AND CONDITIONS OF SERVICE.

11. All members of the local service shall, save as herein provided, be subject to such regulations as may from time to time be in force for officers in the service of the Government of the Colony. Provided that all members of the local service, other than those specifically otherwise provided for in this Circular, shall be subject to the special regulations and terms of service set out in this Part and to such variations of and amendments to such regulations and terms and to such other regulations and terms of service relating to the local service as may from time to time be made by or approved by the Governor.

POSTS AND SCALES OF SALARIES.

12. (1) Appendix I shows the scales of salaries approved for learners and apprentices in the various departments, together with the conditions of entry thereto.

(2) Appendix II shows the scales of salary applicable to the clerical staff, together with the conditions of entry thereto.

(3) Appendix III contains a list of other posts included in the local service together with the scales of salaries attached to such posts.

LETTERS OF APPOINTMENT.

13. (1) New appointments to the local service will be made, subject to such regulations as may from time to time be in force, on a temporary basis in the first instance and an officer will be provided with a Letter of Temporary Appointment, in the form set out in Appendix IV hereto, for a period of not less than one year. This period may be extended at the discretion of the head of department.

(2) Thereafter, provided the officer is occupying a post for which specific provision has been made in the Estimates, and provided he is qualified under the provisions of the Asian Civil Service Provident Fund Ordinance, 1934, to become a contributor to the Provident Fund established under that Ordinance, he may be given a Letter of Permanent Appointment, in the form set out in Appendix V hereto.

LEAVE.

14. (1) (a) *Local*.—Local privilege leave may be granted at the rate of eighteen days in respect of each year of resident service. This leave will be forfeited if an officer does not avail himself of it during any year of resident service.

(b) Local privilege leave may, however, be added to vacation leave in any year in which vacation leave is taken.

(c) An officer will not be granted local privilege leave before he has completed six months' resident service, and a period of six months must elapse after the completion of the eighteen days' leave before any further local privilege leave can be granted.

(2) (a) *Vacation*.—Vacation leave may be granted pro rata, on the basis of five and one-half days in respect of each completed period of three months' resident service. All leave will be inclusive of the periods of any voyages and no officer may normally be absent from duty for more than one hundred and sixty days.

(b) Vacation leave may be spent in the Colony.

PASSAGES.

15. (1) An officer will be considered to have earned in respect of each completed year of resident service up to a maximum cost of one full passage sixteen and two-thirds per centum of the cost of a passage to Bombay if his leave is to be spent in India, or to the port nearest to the place in which his leave is to be spent, by direct route and by the class by which he is eligible to travel, up to the cost to Government of a passage by that class to Bombay.

(2) If an officer is ordered to proceed on vacation leave on medical grounds he will be granted a free passage.

FAMILY PASSAGE ALLOWANCE.

16. (1) A married officer may be granted a family passage allowance of £8/10/0 each way if he is eligible for a second class passage, and of £3/10/0 each way if he is eligible for a deck passage, during a period of six-and-a-half years' service (inclusive of vacation leave), provided that he has attained the age of twenty-five years at the date the passage is taken.

(2) In cases where an officer's wife or any member of his family proceeds elsewhere than to India the family passage allowance will be limited to half the cost to Government of the officer's passage to the port nearest to the place where the wife or member of the family proceed, or to £9/10/0 if he is eligible for a second class passage, or to £3/10/0 if he is eligible for a deck passage, whichever is the less.

HOUSING.

17. (1) Free quarters will not be provided, but Government reserves to itself the right to order any officer to occupy Government quarters and to pay rent therefor.

(2) Except as provided below, if an officer occupies Government quarters he will be charged rental at the following rates:—

5 per centum of the actual salary when the salary does not exceed £194 per annum;

7½ per centum of the actual salary when the salary exceeds £194 per annum but does not exceed £288 per annum;

10 per centum of the actual salary when the salary exceeds £288 per annum.

Provided that an officer who, on the day before the date of transfer, is entitled by his existing terms of service to free quarters or to an allowance in lieu thereof while in the Colony, will be granted a personal consolidation allowance at the rate of £21 per annum to be drawn while serving in the Colony and Protectorate. This allowance will not be drawn—

(a) on vacation leave; or

(b) on local leave which may be added to vacation leave; or

(c) if the officer is in occupation of Government quarters, in which case no rent will be charged therefor; or

(d) if the officer is provided with a tent, caravan or other temporary shelter for the continuous performance of his duties.

(3) (a) When an officer who is entitled to a personal consolidation allowance is provided with a tent, caravan or other temporary shelter for the occasional performance of his duties he will continue to draw the personal consolidation allowance and no rent for such tent, etc., will be charged.

(b) When an officer who is not entitled to a personal consolidation allowance is provided with a tent, caravan or other temporary shelter no rent will be charged for such tent, etc.

MEDICAL ATTENDANCE.

18. An officer of the local service will be provided with medical attention as laid down from time to time in the Code of Regulations.

LOCAL TRANSPORT AND TRAVELLING.

19. The relative provisions of the Code of Regulations in force from time to time in regard to Local Transport and Travelling shall apply to members of the local service. Provided that the regulations relating to the grant of free transport for an officer and his family proceeding on vacation leave shall only apply to a member of the local service when the amount of vacation leave which he is taking is twenty-two days or more.

PROVIDENT FUND.

20. A Provident Fund has been established under the Asian Civil Service Provident Fund Ordinance, 1934, for the benefit of officers holding letters of permanent appointment in the local service.

AGE OF RETIREMENT.

21. (1) The normal age of retirement from the local service will be fifty years, at which age an officer will retire automatically, save that—

- (a) an officer may, in special circumstances, and notwithstanding the provisions of paragraph 25 of this circular, be compulsorily retired with the approval of the Governor between the ages of forty-five and fifty years;
- (b) an officer may, at the discretion of the Governor, be allowed to remain in the service after he has attained the age of fifty years, but in no circumstances will an officer be allowed to remain in the local service after he has attained the age of fifty-five years.

(2) The age limits referred to in this paragraph are those applicable to male officers. In the case of female officers such ages shall in each case be reduced by five years.

ACTING ALLOWANCE.

22. Acting allowances will not normally be paid to officers of the local service, but special cases will be considered on their merits.

DISCIPLINE.

23. Control in regard to the discipline of, and staff matters relating to, members of the local service shall vest in the Governor.

MARRIED WOMEN.

24. (1) A married woman will not be selected for appointment to the local service save in exceptional circumstances, such as—

- (a) where a man and wife are required for the superintendence of an institution; or
- (b) where the public interest demands the selection of a person with particular qualifications, and the only suitable candidate is a married woman.

(2) (a) Notwithstanding anything in this circular contained, a married woman at present in the service (other than a married woman falling within the exception referred to in sub-paragraph (1) (a) of this paragraph) will not be transferred to the local service.

(b) A female officer in the local service will be called upon to tender her resignation on marrying.

(c) The further employment, on a purely temporary basis in the service of the Colony, of any such married woman or any such female officer will be at the discretion of the Governor.

TERMINATION OF APPOINTMENTS.

25. (1) Save as herein provided, the Governor may at any time determine the engagement of an officer of the local service on giving him three months' notice in writing or on paying him one month's salary in lieu of notice: Provided that where an officer has completed ten or more years of continuous service (provided such service falls within the definition of "service" in the Asian Civil Service Provident Fund Ordinance, 1934) the engagement of such officer, other than by way of dismissal in accordance with the provisions of paragraphs 26 to 29 of this circular, shall only be terminated in the event of the abolition of his office or for the purpose of facilitating improvements in the organization of the department in which he is serving.

(2) An officer of the local service may at any time after the expiration of three months' service determine his engagement on giving three months' notice in writing or on paying to the Government one month's salary in lieu of notice.

26. (1) Any officer of the local service may be dismissed by the Governor for misconduct or insubordination, provided that in every such case, where the officer has not been convicted on a criminal charge, the grounds of intended dismissal are definitely stated in writing and communicated to the officer, in order that he may have full opportunity of exculpating himself, and that the matter is investigated by the Governor with the aid of the head of the department.

(2) In lieu of dismissal, the Governor may remove any such officer to an office of lower rank in the local service, or may require him to serve in his original office at a reduced salary, either permanently or for a stated period, or may deduct a portion of salary due, or about to become due, to the officer.

27. If the Governor considers that an officer in the local service who has ten or more years of continuous service (provided such service falls within the definition of "service" in the Asian Civil Service Provident Fund Ordinance, 1934) should be removed from the local service on grounds of general inefficiency, he shall call for a full report from the head of the department in which the officer has served; and if, after considering that report and giving the officer an opportunity of submitting representations on his own behalf, he is satisfied that it is necessary in the public interest, he may remove the officer from the local service.

28. If in any case the Governor considers that the public interest requires that any officer in the local service should cease to exercise the powers and functions of his office instantly, he may interdict the officer from the exercise of the powers and functions of his office, provided that proceedings for dismissal are being taken or are about to be taken, or that criminal proceedings are being instituted against him. An officer who has been interdicted shall, unless and until he is suspended, be allowed to receive such proportion of the emoluments of his office, not being less than one-half, as the Governor shall think fit. If the proceedings against any such officer do not result in the dismissal or other punishment of the officer, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

29. (1) If criminal proceedings are instituted against an officer in the local service, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken pending the criminal proceedings.

(2) If an officer is convicted on a criminal charge, the Governor may consider the proceedings of the criminal court on such charge, and if he is of opinion that the officer should be dismissed or subjected to some lesser penalty on account of the offence for which he has been convicted the officer may thereupon be dismissed from the local service or otherwise punished in such manner as the Governor may think fit.

(3) An officer convicted on a criminal charge shall not receive any emoluments from the date of conviction, pending consideration of his case by the Governor.

(4) An officer acquitted of a criminal charge shall not be dismissed on any charge upon which he has been acquitted, but nothing in this sub-paragraph shall prevent his being dismissed from the local service or otherwise punished on any other charges arising out of his conduct in the matter, provided that they do not raise substantially the same issues as those on which he has been acquitted.

30. In the event of the dismissal of an officer from the service, the provisions of section 2 of the Asian Civil Service Provident Fund Ordinance, 1934, may be applied by the Governor.

31. The provisions of this circular will be embodied in the Code of Regulations.

H. G. PILLING,
Acting Colonial Secretary.

To—

All Heads of Departments.

All Provincial Commissioners (with copies for District Commissioners).

- 8
- (a) an officer may, in special circumstances, and notwithstanding the provisions of paragraph 25 of this circular, be compulsorily retired with the approval of the Governor between the ages of forty-five and fifty years;
- (b) an officer may, at the discretion of the Governor, be allowed to remain in the service after he has attained the age of fifty years, but in no circumstances will an officer be allowed to remain in the local service after he has attained the age of fifty-five years.
- (2) The age limits referred to in this paragraph are those applicable to male officers. In the case of female officers such ages shall in each case be reduced by five years.

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DISCIPLINE.

23. Control in regard to the discipline of, and staff matters relating to, members of the local service shall vest in the Governor.

MARRIED WOMEN.

24. (1) A married woman will not be selected for appointment to the local service save in exceptional circumstances, such as—

- (a) where a man and wife are required for the superintendence of an institution; or
- (b) where the public interest demands the selection of a person with particular qualifications, and the only suitable candidate is a married woman,
- (2) (a) Notwithstanding anything in this circular contained, a married woman at present in the service (other than a married woman falling within the exception referred to in sub-paragraph (1) (a) of this paragraph) will not be transferred to the local service.
- (b) A female officer in the local service will be called upon to tender her resignation on marrying.

(c) The further employment, on a purely temporary basis in the service of the Colony, of any such married woman or any such female officer will be at the discretion of the Governor.

TERMINATION OF APPOINTMENTS.

25. (1) Save as herein provided, the Governor may at any time determine the engagement of an officer of the local service on giving him three months' notice in writing or on paying him one month's salary in lieu of notice: Provided that where an officer has completed ten or more years of continuous service (provided such service falls within the definition of "service" in the Asian Civil Service Provident Fund Ordinance, 1934) the engagement of such officer, other than by way of dismissal in accordance with the provisions of paragraphs 26 to 29 of this circular, shall only be terminated in the event of the abolition of his office or for the purpose of facilitating improvements in the organization of the department in which he is serving.

(2) An officer of the local service may at any time after the expiration of three months' service determine his engagement on giving three months' notice in writing or on paying to the Government one month's salary in lieu of notice.

26. (1) Any officer of the local service may be dismissed by the Governor for misconduct or insubordination, provided that in every such case, where the officer has not been convicted on a criminal charge, the grounds of intended dismissal are definitely stated in writing and communicated to the officer, in order that he may have full opportunity of exculpating himself, and that the matter is investigated by the Governor with the aid of the head of the department.

9

(2) In lieu of dismissal, the Governor may remove any such officer to an office of lower rank in the local service, or may require him to serve in his original office at a reduced salary, either permanently or for a stated period, or may deduct a portion of salary due, or about to become due, to the officer.

27. If the Governor considers that an officer in the local service who has ten or more years of continuous service (provided such service falls within the definition of "service" in the Asian Civil Service Provident Fund Ordinance, 1934) should be removed from the local service on grounds of general inefficiency, he shall call for a full report from the head of the department in which the officer has served; and if, after considering that report and giving the officer an opportunity of submitting representations on his own behalf, he is satisfied that it is necessary in the public interest, he may remove the officer from the local service.

28. If in any case the Governor considers that the public interest requires that any officer in the local service should cease to exercise the powers and functions of his office instantly, he may interdict the officer from the exercise of the powers and functions of his office, provided that proceedings for dismissal are being taken or are about to be taken, or that criminal proceedings are being instituted against him. An officer who has been interdicted shall, unless and until he is suspended, be allowed to receive such proportion of the emoluments of his office, not being less than one-half, as the Governor shall think fit. If the proceedings against any such officer do not result in the dismissal or other punishment of the officer, he shall be entitled to the full amount of the emoluments which he would have received if he had not been interdicted.

29. (1) If criminal proceedings are instituted against an officer in the local service, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken pending the criminal proceedings.

(2) If an officer is convicted on a criminal charge, the Governor may consider the proceedings of the criminal court on such charge, and if he is of opinion that the officer should be dismissed or subjected to some lesser penalty on account of the offence for which he has been convicted the officer may thereupon be dismissed from the local service or otherwise punished in such manner as the Governor may think fit.

(3) An officer convicted on a criminal charge shall not receive any emoluments from the date of conviction, pending consideration of his case by the Governor.

(4) An officer acquitted of a criminal charge shall not be dismissed on any charge upon which he has been acquitted, but nothing in this sub-paragraph shall prevent his being dismissed from the local service or otherwise punished on any other charges arising out of his conduct in the matter, provided that they do not raise substantially the same issues as those on which he has been acquitted.

30. In the event of the dismissal of an officer from the service, the provisions of section 8 of the Asian Civil Service Provident Fund Ordinance, 1934, may be applied by the Governor.

31. The provisions of this circular will be embodied in the Code of Regulations.

H. G. PILLING,
Acting Colonial Secretary.

To—

All Heads of Departments.

All Provincial Commissioners (with copies for District Commissioners).

APPENDIX I

LEARNERS AND APPRENTICES

I.—CLERICAL LEARNERS

A.—Scales of Salary.

Grade II.—£30 to £48 per annum, with no set increments.

Grade I.—£48 by £12 to £72 per annum.

B.—Establishment.

There will be no fixed establishment of learners in the local service.

C.—Conditions of Entry.

1. The minimum age of entry will be fifteen years.

Grade II.

2. (1) Entry at any point in the scale, at the discretion of the head of department, subject to the approval of the Governor, will be allowed, conditional on a good school record and a certificate of character from the headmaster.

(2) Dismissal from this grade or promotion to Grade I will vest in the discretion of the head of department, subject to the approval of the Governor.

Grade I.

3. (1) By promotion from Grade II, after not less than one year's service in that grade.

(2) By direct entry, subject to the approval of the Governor, at any point in the scale, conditional on a good school record, a certificate of character from the headmaster, and evidence of having passed:—

- (a) The London Matriculation Examination; or
- (b) The Senior (Local) Oxford/Cambridge Certificate Examination; or
- (c) The School Leaving Certificate Examination; or
- (d) Some such equivalent standard of education.

D.—Promotion to Grade II Clerkships.

Promotion from Learner Grade to Grade II Clerkship will, on the recommendation of the head of department, be allowed at any time after attaining the age of seventeen years.

E.—Service in the Learner Grade for Leave Purposes.

Service in the Learner Grade alone will not earn vacation leave, but if, on the termination of the learner service an appointment to the graded clerical staff is secured without break of service, the period spent in the Learner Grade will be counted for leave purposes as if the whole service had been rendered in the Clerical Grade.

II.—TECHNICAL APPRENTICES AND LEARNERS.

A.—Scales of Salary.

The grades and scales of salary for Technical Apprentices and Learners will be the same as those laid down for Clerical Learners.

B.—Conditions of Entry.

1. The minimum age of entry will be fifteen years.

2. Entry, subject to the approval of the Governor, will be conditional on a standard of education sufficient to satisfy the head of department, a good school record, and a certificate of character from the headmaster.

C.—Service as an Apprentice for Leave Purposes.

Service as an apprentice will not earn vacation leave, but if on the termination of the apprenticeship an appointment in the service of the Government is secured, two years of such service, or a period not exceeding one-half of the period of apprenticeship, whichever is the longer period, may be counted for purposes of vacation leave.

Method of Appointment.

Letters of Temporary Appointment will be issued to Learners, and Indentures to Apprentices.

APPENDIX II

CLERICAL STAFF

A.—Scales of Salary.

Grade II.—£90 by £8 to £146 by £12 to £230 by £10 to £240.

Grade I.—£252 by £12 to £300.

Special Grade.—£318 by £18 to £372 by £18 to £408.

B.—Conditions of Entry.

Grade II.

(1) By promotion from the Learner Grade.

(2) The minimum age of entry will be seventeen years.

(3) Direct entry, regard being had to age, experience and educational qualifications, will be allowed at any point, provided a typing or departmental test has been passed.

Grade I.

(1) Promotion to this grade will depend on vacancies occurring in the establishment of Grade I clerkships, and will be by merit, due regard being had to seniority.

(2) Direct entry will be allowed in exceptional cases only. In such cases, age, experience, and the possession of the qualifications or the equivalent for passing the £146 efficiency bar in Grade II will be insisted upon.

(3) Twenty-five per centum of the graded establishment will be allocated to Grade I posts.

Special Grade.

The Special Grade will be limited in numbers and to duties carrying special responsibility, and will be restricted to officers of exceptional merit and capacity.

C.—Efficiency Bars.

1. To pass the efficiency bar at £146 in Grade II an officer must have passed an examination, part of which will be oral, in the following subjects:—

(a) Compulsory.

- I. English.
- II. Arithmetic.
- III. Accounts, or a special departmental examination if a knowledge of accounts is not required.
- IV. Code of Regulations.
- V. General knowledge.
- VI. Typewriting.

(b) Optional.

- I. Swahili.
- II. Shorthand.

This examination may be taken at any time before the officer reaches the £146 efficiency bar.

2. Passing the efficiency bar at £372 in the Special Grade will be conditional upon the head of department certifying—

- (1) that there have been no defects of character or of conduct sufficient to prevent further progress in the scale; and
- (2) that the person named is in every way recommended for further progress in the scale.

APPENDIX I
LEARNERS AND APPRENTICES

I.—CLERICAL LEARNERS.

A.—Scales of Salary.

Grade II.—£30 to £48 per annum, with no set increments.

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There will be no fixed establishment of learners in the local service.

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2. (1) Entry at any point in the scale, at the discretion of the head of department, subject to the approval of the Governor, will be allowed, conditional on a good school record and a certificate of character from the headmaster.

(2) Dismissal from this grade or promotion to Grade I will vest in the discretion of the head of department, subject to the approval of the Governor.

Grade I.

3. (1) By promotion from Grade II, after not less than one year's service in that grade.

(2) By direct entry, subject to the approval of the Governor, at any point in the scale, conditional on a good school record, a certificate of character from the headmaster, and evidence of having passed:—

- (a) The London Matriculation Examination; or
- (b) The Senior (Local) Oxford/Cambridge Certificate Examination; or
- (c) The School Leaving Certificate Examination; or
- (d) Some such equivalent standard of education.

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Service in the Learner Grade alone will not earn vacation leave, but if, on the termination of the learner service an appointment to the graded clerical staff is secured without break of service, the period spent in the Learner Grade will be counted for leave purposes as if the whole service had been rendered in the Clerical Grade.

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C.—Service as an Apprentice for Leave Purposes.

Service as an apprentice will not earn vacation leave, but if on the termination of the apprenticeship an appointment in the service of the Government is secured, two years of such service, or a period not exceeding one-half of the period of apprenticeship, whichever is the longer period, may be counted for purposes of vacation leave.

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(2) Direct entry will be allowed in exceptional cases only. In such cases, age, experience, and the possession of the qualifications or the equivalent for passing the £146 efficiency bar in Grade II will be insisted upon.

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IV. Code of Regulations.

V. General knowledge.

VI. Typewriting.

(b) Optional.

I. Swahili.

II. Shorthand.

This examination may be taken at any time before the officer reaches the £146 efficiency bar.

2. Passing the efficiency bar at £372 in the Special Grade will be conditional upon the head of department certifying—

(1) that there have been no defects of character or of conduct sufficient to prevent further progress in the scale; and

(2) that the person named is in every way recommended for further progress in the scale.

APPENDIX III

NON-CLERICAL POSTS AND SCALES OF SALARY

(Figures in heavy type indicate efficiency bar)

Post	Scale of Salary
ADMINISTRATION— Market Master	£106 fixed
AGRICULTURAL— Veterinary Inspector	£318-18-372-18-408
Veterinary Assistant	£230-10-240-12-300
Agricultural Assistant	£182-12-230-10-240-12-300
Mechanic	£146-12-230
EDUCATION— Education Officer Grade I	£450-15-800
" " Grade II	£318-18-372-18-408
" " Grade III	£182-12-230-10-240-12-300
" " Grade IV	£130-8-146-12-182
" " Grade V	£90-8-122
Sub-Draughtsman	£146-12-230-10-240-12-300
FORESTS— Assistant Forester Grade I	£146-12-230
" " Grade II	£106-8-138
JUDICIAL— Process Server	£90-8-130
LOCAL GOVERNMENT, LANDS AND SETTLEMENT— Sub-Draughtsman	£146-12-230-10-240-12-300
Tracer	£146-12-230
Over-Embossing Operator	£146-12-230
MEDICAL— Assistant Surgeon	£372-18-408
Sub-Assistant Surgeon	£252-12-300
Laboratory Assistant Grade I	£252-12-300
" " Grade II	£90-8-146-12-230-10-240
Issuer of Medical Stores	£146-12-230-10-240
Compounder	£146-12-230
MILITARY— Master Tailor	£146-12-230
Master Carpenter	£146-12-230
Armourer Grade I	£182-12-230
" " Grade II	£138-8-146-12-182
POLICE— Chief Sub-Inspector	£318-18-372
Sub-Inspector Grade I	£240-12-300
" " Grade II	£182-12-230
Ass. Sub-Inspector Grade I	£146-12-182
" " Grade II	£106-8-130
Storekeeper	£122-8-146-12-158
Master Tailor	£146-12-230
Armourer Grade I	£182-12-230
" " Grade II	£138-8-146-12-182
POST AND TELEGRAPHS— 3rd Class Telegraph Inspector	£240-12-300
Sub-Inspector	£146-12-230
Sub-Draughtsman	£146-12-230-10-240-12-300
Tracer	£146-12-230
Linesman, 1st Class	£90-8-130
PRINTING AND STATIONERY— Head Compositor	£240-12-300
Head-Bookbinder	£240-12-300
Operative Grade I	£146-12-218
" " Grade II	£90-8-146
PUBLIC WORKS— Sub-Surveyor	£146-12-230-10-240-12-300
Sub-Draughtsman	£146-12-230-10-240-12-300
Sub-Overseer	£146-12-230
Sub-Foreman	£146-12-230
Motor Mechanic	£146-12-230
STATISTICAL— Key-Punch Operator	£90-8-130

When officers of these scales

APPENDIX IV

THE COLONY AND PROTECTORATE OF KENYA

THE KENYA ASIAN LOCAL CIVIL SERVICE

LETTER OF TEMPORARY APPOINTMENT

DEPARTMENT

STATION

DATE, 193

To

M

Subject to your acceptance of the terms of this letter you are hereby appointed as a

in this Department with effect from the

2. The salary attached to your post is at the rate of £ per annum consolidated, i.e., inclusive of all allowances.

3. This appointment is purely temporary and can be terminated by notice on either side or payment of equivalent salary in lieu of notice.

4. You will be liable to instant dismissal in the event of incompetence, misconduct or insubordination.

5. Your appointment does not entitle you to privileges of leave or passage or other concessions enjoyed by members of the permanent staff of the Local Service.

Head of Department.

I hereby accept the appointment subject to the terms of this letter.

Employee.

Date, 193

COPIES to—Employee, Department concerned, Hon. Colonial Secretary, Hon. Treasurer and the Auditor.

18

APPENDIX V
THE COLONY AND PROTECTORATE OF KENYA
THE KENYA ASIAN LOCAL CIVIL SERVICE
LETTER OF PERMANENT APPOINTMENT

DEPARTMENT _____

STATION _____

No. _____

DATE _____ 193 _____

To, _____
 M _____

Subject to your acceptance of the terms of this Letter you are hereby appointed as a _____

 in the permanent staff of the Asian Local Civil Service of this Colony with effect from
 the _____

2. The salary attached to your post is at the rate of £ _____ in the scale of
 £ _____

 and the incremental date is _____

3. You will be subject to all Regulations governing the local service, which are now
 in force or which may be promulgated from time to time by the Governor.

4. You are liable to be transferred at any time to another branch of the Colony and
 Protectorate service at the discretion of the Governor.

Head of Department.

I hereby accept the appointment subject to the terms of this Letter.

Employee.

Date _____ 193 _____

C. O.

(297)

38048/3/35

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locked & sent
no for
15/4/35
D

- Mr. Flood. 4.4
- Mr. Ashson 5/4.
- Mr.
- Mr. Parkinson.
- Sir G. Tomlinson.
- Sir C. Bottomley.
- Sir J. Shuckburgh.

No. 102 Confidential

Your telegram No. 53

- X Permi. U.S. of S. 9/4
- X Parly U.S. of S. 15/4/35 as usual
- Secretary of State.

DRAFT. TELEGRAM.

Governor
Nairobi

16C

Confidential. Your despatch of the 2nd February No. 14 Confidential. After consideration of Asiatic Civil Service petition and despatch request that you will inform petitioners that matter has been carefully considered in consultation with Governor and in the light of the debate in Council and that I regret that I cannot see my way to intervene in regard to any of petitioners' requests. I am glad to receive Governor's renewed assurance in para. 4 of despatch that genuine grievances always receive full consideration and no doubt this attitude will continue to be Government's attitude in future as in past. I agree that Asiatic local Civil Service may be inaugurated as from the 1st January, 1935, or from any

FURTHER ACTION.

later date that may be...

20
1A

<u>Petitioners.</u>	<u>Governor's comments.</u>	<u>Remarks.</u>
Petition para. 2.	That their nominee for membership of the C.S. Board was not selected	After due consideration and for good reason, Mr. Oliver, who is widely known and respected, was selected. <i>He was one of those actually nominated by Mr. Spoon. Thought not for chair.</i>
para. 3	That in spite of the Association's protests cabled to the Secretary of State on 27th Nov. 1934 the recommendations of the C.S. Board as accepted by the Governor in Council were adopted in Legislative Council by a majority of votes.	There was no division of the House on 13th December when the motion for the adoption of the Report was put and carried.
paras. 4-9.	That the terms for the new Asian Service are not fair and reasonable in relationship with those for the European Service.	
para. 10	The Association protests against the recommendations of the C.S. Board for the non-inclusion in the new Service of certain posts (see para. 6 of the Board's Report).	The Governor maintains that the circumstances have been changed since 1926 when it was agreed that artisans and others such as ordinary working carpenters, masons, tailors, blacksmiths, etc. should not be placed on definite scales of pay but should be paid at rates of pay prevailing in the open market.
para. 11	That there should be one scale for learners:- £48-12-£90, instead of two grades as recommended by the C.S. Board.	<i>The Governor</i> recommends that the C.S. Association's request be refused. On the analogy of the European Civil Service, learners have been divided into two grades. No educational qualifications are recommended for Grade 2. Such qualifications are, however, necessary for direct entry to Grade 1, but promotion from Grade 2 to Grade 1 is left to the discretion of the Head of Department. C.S. Report:- Grade 2, £30-48 per annum with no set increments. Grade 1, £48-12-72. (The Biss Report recommended £48-6-72).
paras. 12, 13 and 14.	That the C.S. Board in considering the Asian terms of service conveniently overlooked the	The Board have specifically stated in paras. 3 and 4 of their Report that these principles have been

Petitioners.

Governor's comments.

Remarks.

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paras.12,13 and 14.	That the C.S.Board in considering the Asian terms of service conveniently overlooked the	The Board have specifically stated in paras.3 and 4 of their Report that these principles have been	

principles which guided them in their consideration of the European terms. That the new scales for Asians do not include compensation for loss of free pension privileges, free quarters and certain minor privileges.

borne in mind and are reflected in their recommendations.

paras 16 and 17.

That the scales for non-clerical grades for Europeans have been increased by 20% and over in many cases and that the Asian rates provide for a reduced maximum as well as a reduced minimum of the present scales.

The scales proposed by the C.S. Board are a little more favourable than those proposed by the Biss Committee. The Governor is unable to recommend any further increase.

It is incorrect to say that the European scales have been increased in every case. In a number of cases the Asian scales have been increased. See items ticked on pages 17 & 19 of the Board's Report.

para. 18

That the post of Grade 5, Education Officer, 290-5-122 should be deleted as the salary is too low and will not attract candidates.

Grade 5 has been created with the object of providing for those teachers who are not sufficiently qualified for appointment to Grade 4. (£130-145-182). The Governor does not propose to delete Grade 5.

The lowest scale in the European Local Civil Service is £150-210 in possession of Matriculation Cert. or School Certificate.

para. 18a

That there should be no differentiation between the salary scales of male and female teachers. The Association argues that it is not possible to get Indian female teachers at a comparatively same pay as male teachers.

The C.S. Board recommended that the salaries of women teachers should be 80% of the scale suggested for male teachers on the analogy of European women teachers. The Governor sees no reason to vary the recommendation.

para. 19

That Asiatics who are at present entitled to free quarters or allowance ^{in lieu} amounting to £21 per annum should be given

The Governor does not consider that such officers should on transfer receive a higher rate than that recommended by the Board. The re-

See para. 8 (7) of the Board's Report (Asiatics) and 5(II)(k) of Seasonal

an equivalent consolidated allowance in the new Service.

commendation is strictly in accordance with the terms approved for the European Service.

Paper No. 1 1934 (Euro In the cas Asiatics t new consol allowance limited to and in the of European £50.

paras. 20-25.

That the vacation leave proposed by the C.S. Board is insufficient and likely to have a deleterious effect on the health of Asiatics in view of the increased length of tours. (The recommendations of the Committee as amended by the Governor in Council are set out in the minute on 23068/3/34.)

The Governor considers that the leave recommended by the Board as amended by the substitution of 18 for 14 days local leave is both fair and reasonable.

See minute 23068/3/34.

paras. 26-27.

That the free passage allowance of 16 2/3rds per cent recommended by the Board should be increased to 20% thus making a free passage available after five years. That the grant of family passage allowances to married officers who have attained the age of 25 years should be made to married officers at the age of 22.

The Governor does not consider that any variations of the recommendations of the Board with regard to passages and family passage allowances are necessary or desirable.

An European officer will not qualify for family passage allowance unless he has reached the age of 30.

para. 28

That the percentage of salary to be paid in rent for quarters should be 5% when the salary does not exceed £228, 7 1/2% when the salary exceeds £228 but does not exceed £345, and 10% when the salary exceeds £345.

The Committee recommended that the percentage of salary to be paid in rent for quarters should be 5% over £194 and up to £228, 7 1/2% over £228 and up to £345, and 10% over £345.

para. 29

That the acting allowance should be paid when an official is acting. Acting allowances will not normally be paid to European

in the Clerical Grade or non-Clerical Grade is detailed for duty in a special Grade or post. officers of the new Local Service but special cases will be considered on their merits. Asian personnel will be on the same lines.

para. 30

That the proposed rates of contributions to the Provident Fund will not result in a very substantial amount for the assistance of an Asian official on retirement. Higher contributions proposed.

The Governor sees no justification to alter the rate of contributions to the Provident Fund laid down for Asians. It is the same as that fixed for Europeans.

CR.
H/21

AIR MAIL

KENYA
No. 16.



22
GOVERNMENT HOUSE
NAIROBI
KENYA

CONFIDENTIAL.

7th February, 1935.

RECEIVED
11 FEB 1935
C. O. REGY

Sir,

With reference to your Confidential despatch No. 4 on 23068/2/34 of the 21st of December relative to the establishment of an Asian Local Civil Service, I have the honour to transmit a petition from the Kenya Asian Civil Service Association.

Petition.
27.12.1934.

2. My observations on the petition are as follows:

Paragraph 2. In response to a request the Association submitted three names and recommended that the President of the Association should serve upon the ad hoc Civil Service Board. After due consideration, and for good reason, Mr. Oliver, who is the senior and is widely known and respected, was selected for the purpose.

Paragraph 3. The statement in paragraph 3 of the petition that the Report of the Civil Service Board, as accepted by the Governor-in-Council, has been adopted by the Legislative Council by a majority of votes is incorrect. There was no division of the House when the motion for the adoption of the Report was put and carried.

Paragraph 10. It will be observed from the Report, of which a copy accompanied Sir Edward Grigg's Confidential despatch No. 170 of the 14th December, 1926, that the 1925 Inter-Departmental Committee considered that artisans and others such as ordinary working carpenters, masons, tailors, blacksmiths, etc., should not be placed on definite scales of pay, but should be employed at approximately the

Encl. to No. 1 on 23068/2/34

No. 1 on 14035/27 EA

THE RIGHT HONOURABLE MAJOR SIR PHILIP CUNLIFFE-LISTER, P.C., G.B.E., M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
DOWNING STREET, LONDON S.W.
prevailing

prevailing rates of pay for the same class of labour in the open market. Circumstances have not changed since that date to justify alterations in the terms of service of such employees (who cannot be regarded as permanent members of the Local Civil Service) being now made to enable them to contribute to the Asian Civil Service Provident Fund Ordinance, 1934.

20035/6/35

Personnel

paragraph 11. On the analogy of the now approved proposals for the European Local Civil Service, Learners in the Asian Service have been divided into two grades. It will be observed from the recommendations of the Civil Service Board in paragraph 9 (1) (a) on page 6 of their Report that no educational qualifications are recommended for entry into Grade II and the point in the scale at which a Learner can enter the Grade is left to the discretion of the Head of the Department. Educational qualifications are, however, necessary as a condition for direct entry to Grade I, the minimum salary proposed for which Grade is £48 per annum.

No. 1 on 23068/3/31P

Kenya

There are in the Service at present a number of Learners who were engaged at, or are in receipt of, salaries of £24 per annum and the proposals of the Civil Service Board, viz: - £30 to £48 per annum represent a distinct improvement on this figure. I am of the opinion that the Association's request for the replacement of the two Grades by one Grade with a higher minimum and a higher maximum should not be granted, and that the analogy with the European Local Civil Service should be maintained.

No confirmation examination such as that referred to by the Association in the second sub-paragraph of paragraph 11 of their petition has been recommended, and a youth who is serving as a learner is more favourably situated

C.R.O.
STANDARD
VICE

situated than a direct entrant to the Clerical Service in that for the latter direct entry is conditional upon the passing of a typing or departmental test while no such condition is imposed in the case of Learners.

The reference to Learners remaining as such for more than three years is not understood. A Learner engaged in Grade II at the age of 15 years would, after one year's service in that Grade, normally be promoted to Grade I when he will have attained the age of 16 years. The minimum age of entry into Grade II of the Clerical scales is 17 years and in the normal course the maximum period of service in both Grades before promotion to the Clerical scale would be two years. Indefinite retention in the Learner Grade is most unlikely to happen since a youth who is unfitted for promotion to a Grade II Clerkship is not likely to be retained in the Service after a reasonable period of trial.

In regard to the grant of double increments I would invite your attention to paragraph 2 of His Grace the Duke of Devonshire's despatch No. 602 of the 26th April, 1923, and I do not recommend any departure from the existing practice.

Paragraphs 12 - 15. I am unable to accept the view of the Association that the principles on which the Civil Service Board based their recommendations for salary scales for the European Local Civil Service have been "conveniently overlooked" by the Board in framing their recommendations for the clerical salary scales for the Asian Local Civil Service. Indeed, the Board have specifically stated in paragraphs 3 and 4 of their Asian

Report

low No 2 on Feb/64/24EF.

(Hardsell)

1. 6/10/34 on
23068/3/34.

C.O. 533

456

ALLY WITHOUT PERMISSION OF THE
PUBLIC AFFAIRS OFFICE, LONDON

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C.P.O.
STANDARD
RICE IN

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Below No 2 on July 16/29 (J. Hurdleff)

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and to Nos on 23/68/3/34.

25

Report that these principles had been borne in mind and are reflected in their recommendations.

Paragraphs 16 and 17. In so far as the proposed scales of salary for non-clerical posts are concerned, it will be observed from Appendix II of the Asian Report that these are a little more favourable than those proposed by the Biss Committee. I regret I am unable to recommend any increase in the scales for these posts.

Paragraph 18. The Grade V has been created with the object of providing for those teachers who are not sufficiently qualified for appointment to Grade IV. As at present advised I do not propose to delete this Grade.

Paragraph 18a. The proposal that the salaries of women teachers should be 80% of the scales suggested for male teachers was made by the Civil Service Board on the analogy of European women teachers and after examination of all the issues involved in the case of Asian women teachers. I see no reason to vary the recommendation of the Board in this respect.

Paragraph 19. I do not consider that officers, who by the terms of their present appointments are entitled to house allowance, should on transfer to the new Service receive consolidation allowance at a higher rate than that recommended by the Board. The recommendation of the Board is strictly in accordance with your approval in the case of the European Local Civil Service.

Paragraphs 20 - 25. I consider that the leave recommended for the Asian personnel of the new Service, as amended by the substitution of 18 days for 14 days local leave, is both fair and reasonable. The Association's representations in regard to the leave granted to the existing staff in terms of Secretariat Circular No.48 of 1932 have been dealt

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PUBLIC RECORD OFFICE, LONDON

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dealt with in my Confidential despatch No.97 of the 30th June, 1934.

Paragraphs 26 and 27. I do not consider that any variations in the recommendations of the Board in regard to passages and family passage allowances are necessary or desirable.

Paragraph 29. Acting allowances will not normally be paid to European officers of the new Local Service, but special cases will be considered on their merits.

It is proposed that the Asian personnel of the new Service shall be treated on the same lines.

Paragraph 30. I see no justification to alter the rate of contributions to the Provident Fund laid down for the Asian personnel. It is the same as that fixed for Europeans.

3. The matters embodied in this petition received the fullest consideration both of the Civil Service Board and of my Executive Council as will be seen from the précis and Council Minutes, copies of which accompanied my Confidential despatch No.163 of the 6th November last. I regret that I am unable to recommend any variation in the proposed terms of service, other than that set out in my comments on paragraph 29 of the Association's petition, which were debated at length during the last Session of the Legislature. I enclose typewritten copies of the Debate.

on 23/6/34

Debate:

4. Generally, you will observe that the strict intention is to give parallel treatment in both of the new Services. While genuine grievances always receive the fullest consideration both of yourself and of this Government I am afraid the record of this petition, as of numerous earlier petitions, by the Association shows little of substance.

STAND

Not on 23068/3/34

despatch under reference, I have the following comments to make:-

Paragraph 2 (a). The question of acting allowances is dealt with in my comments in this despatch on paragraph 29 of the Association's petition.

Paragraph 2 (b) (i). A probationary period of three years was laid down in paragraph 5 of Secretariat Circular No. 50 of 1927, which introduced the terms and conditions of service for Asian staff other than Clerks. This period was intended to determine the officer's suitability for admission to the permanent staff on the analogy of the three years' probationary period for the Asian pensionable staff. This three year period has now become one year, vide Section 5 (1) (a) of the Asian Civil Service Provident Fund Ordinance, 1934, which is identical with the provision in the European Civil Service Provident Fund Ordinance.

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At present, on being confirmed in his non-pensionable appointment, an officer continues to serve on the conditions laid down in his letter of appointment which provides, inter alia, for the termination of his appointment by one month's notice on either side, vide Appendix 33 of the Code of Regulations. There is, therefore, no more security of tenure than that accorded to the officer under his letter of appointment, whether he is confirmed or not. Confirmation in a non-pensionable office only enables the officer to qualify for a grade, vide Section 51c of the Code of Regulations.

The position in the case of Asians is that general action does not appear to have been taken by Departments to recommend officers, when eligible, for confirmation and admission to the permanent staff. Admission to the permanent staff, however, means very little

209
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little in effect and gives no additional security of tenure because, as stated above, members thereof are still subject to one month's notice. The staff concerned, whose duty it is to apply for confirmation, vide Section 608 of the Code of Regulations, have also taken little interest in the matter. The consequence has been that to-day there is a certain number of formal "permanent" officers and a greater number of officers who are qualified, and eligible, for admission to the "permanent" conditions, but in respect of whom no action for confirmation has been taken.

It is, therefore, inequitable to distinguish between these two classes and I am of the opinion that the method of transfer of all Asian officers, whether confirmed or not confirmed, in non-pensionable appointments should be the same as that adopted for non-pensionable European officers serving on Agreements, save that in the case of the former the period of service as at the 1st January, 1933, should be eight years as recommended by the Civil Service Board in Paragraph 8 (3) of their Report on the Asian Local Civil Service.

Paragraph 2 (b) (ii). The recommendation of the Civil Service Board was amplified during the debate in Legislative Council and I would refer you to page 7 of the typewritten copy of the debate forwarded to you with this despatch.

Paragraph 2 (b) (iii). The officers concerned appear to be those serving on letters of appointment to the permanent non-pensionable staff and I have dealt with this class of officer in my comments on paragraph 2 (b) (i) of your despatch. In regard to leave ratio in

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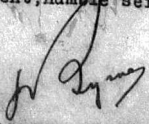
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respect of that part of the tour which the officer will have completed at the date of transfer to the new Service, it will be agreed that in the event of your accepting my proposals for treating Asian officers serving on letters of appointment in the same manner as European officers serving on agreements, the question of leave ratio would affect only those officers who elect to transfer voluntarily to the new Service before completion of their current tours of service. In the case of the European staff it is proposed to credit the officer who so transfers with the proportionate amount of leave and passage earned up to the date of transfer and a similar procedure would be adopted in the case of the Asian staff.

In regard to those officers who would prefer to resign rather than accept the new conditions, the possibility of such a course is extremely remote, and an officer who prefers to resign his appointment rather than accept the new conditions will be granted the leave and passage to which he would be entitled under the Regulations.

6. In view of the foregoing explanations I trust that it may now be possible for you to accord your approval to the inauguration of the Asian Local Civil Service with retrospective effect from the 1st January, 1935, and because of the urgency I shall be glad to receive that approval by telegraph.

I have the honour to be,
Sir,
Your most obedient, humble servant,



BRI GADIER-GENERAL,
GOVERNOR.

30

Kenya Asian Civil Service Association.

P. O. Box No. 441,

Nairobi 27th December 1934.

(KENYA COLONY.)

The Right Honourable Major Sir Philip Cunliffe-Lister,
P.C., G.B.E., M.C., M.P.,
Secretary of State for the Colonies,
Downing Street, London, S.W.

Through

His Excellency,
Brigadier-General,
Sir Joseph Aloysius Byrne, G.C.M.G., K.B.E., C.B.
Governor and Commander in Chief,
Colony and Protectorate of Kenya,
Nairobi.

Sir,

No. 2 of 13068/3/34

On behalf of our Association representing the Asian Staff of the Colony and Protectorate of Kenya, we most respectfully beg to confirm the following cablegram, which was forwarded to the local Government, for favour of transmission to you, on the 22nd November, 1934, reading:-

"Mass meeting Asian Staff profoundly disappointed at recommendations of Asiatic Civil Service Board at present being submitted to Legislative Council for approval which staff consider most unsatisfactory and inadequate to future entrants stop In view loss of other privileges such as pension rights, house allowance etc. proposed low scales of salaries, extended tour of service, inadequate vacation leave, passage provisions and others are in the humble opinion of staff unjustifiable stop No ground exists for any further revision in case of Asian terms as existing ones have already been adjusted to present circumstances stop In the approved Local Terms of Service for Europeans there is an increase of ten, twenty and in some cases over thirty per cent on present scales of pay to compensate them for loss of house allowance and other privileges while in the case of Asians, to the Staff's utter disappointment, a corresponding decrease is noticeable irrespective of even the deprivation of aforesaid 'privileges' stop Provident Fund Bill though based on European Ordinance preclude many Asian officials from joining the Fund owing to prohibitory clauses which nullify intention of even bringing all scheduled posts in the Fund because of many being on less than one month's termination agreement as required by Clause 5(c) of proposed Bill though put in five, ten and even more years service stop Many appointed after 30th April, 1932, vide Section 19 of Ordinance/

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of Ordinance No.53 of 1932 not eligible to join the Provident Fund as they fall under category of less than one month's agreement clause stop Proposals require drastic revision and staff humbly prays your immediate intervention before recommendations are finally adopted by Local Government stop Detailed Memorial follows."

2. We would, before we enter into any details of the Report of the Civil Service Board on the proposed Terms and Conditions for an Asian Local Service, like to bring to your notice the fact that the Board whose recommendations are under reference, was composed of three Government Officials, one European unofficial and one representing the Asian Service. It is obvious that there was no representative from an unofficial Asian side while the appointment of Mr. Oliver representing Asian Service was made by Government, out of three names submitted by the Association subsequently at its request, inspite of the fact that the Association nominated in the first instance another official who was best suited for the post. This was a definite departure from previous practice and this new procedure seems to detract from the confidence which the Government has reposed in the Association in the past in the matter of selection of representatives on various official Committees.

3. As all our recommendations, with the single exception of an extension of local leave to 18 days, have been turned down by Government in the recent Session of Legislative Council, it necessitated the calling of a mass meeting of the Government Asian Officials which resulted in the aforesaid cablegram of protest, requesting your immediate intervention with a view to seeking a revision of the Board's recommendations, being unanimously approved. We also learn that the Report as accepted by Governor in Council has been adopted by the Legislative Council by a majority of votes.

4. The claim of the Board in paragraph 4 of their Report that a fair and reasonable relationship has been maintained between Europeans and Asians in recommending the new terms and conditions, is a fallacy and we would submit that no attempt has ever been made in the past nor it at all reflects in the present proposed terms of service for Asians. We attach a Table (A) showing the scales of salaries operating from time to time for Asian officials which will convince you beyond any doubt that the tendency is always to arbitrarily reduce the maximum of every grade by some percentage. This not unnaturally creates suspicions in the minds of the Asians of their future stability in Government Service. A comparative Table "B" of alleged "fair and reasonable relationship" maintained between the scales of salaries applicable to Europeans and Asians clerical grades in the new Local Service is also attached for your information.

It is now an admitted fact that in the scales of salaries for Europeans shown in Column 3 of Table "B" when adjusted in 1926, an increase of about 20 to 25 per cent to the then scales was effected whilst on the other hand at every successive stages of revision from 1920 onwards there is a corresponding decrease in the maximum of the Asian Grades.

5. In deciding the scales of salaries and other matters regarding Asian Service the standard of living weighs very largely, and it would not be out of place if we were to elaborate this point a little more. It cannot be denied that the standard of living of an average Asian has made rapid progress and one can notice a vast difference between the living of the present and pre-war days. With the corresponding development of the Colony it would be no exaggeration

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33

to say that eastern people have been modernised to a great extent. Under such circumstances, the minimum as well as the maximum salaries proposed for an Asian official under new Service is totally in our opinion, inadequate. Leaving aside the learner grades, which are too low to be taken into consideration, we consider that the salary attached to a second grade official - a beginner in the local service - with an average standard of education to start his career in Government service is too low. The present cost of living reveals the undisputed fact that the minimum proposed for second grade i.e. £7.10 per mensem, with an average monthly deduction of 20% in connection with Provident Fund contribution, house allowance, levy and Widows' and Orphans Pension Fund contribution plus about 15% reduction for water, conservancy, light, refuse etc., - leaving aside the Government taxation - leaves an amount hardly sufficient to meet the bare necessities of life. We enclose herewith a chart (Schedule "A") showing the present expenses of an Asian official at different four stages of his life (1) as a bachelor, (2) as when married, (3) with two children and (4) with four children, drawing £7.10 at the age of 17, £10/16/66 at the age of 22 when he marries, £16.18 at the age of 30 with two children and £15 at the age of 37 when with four children.

6. In this connection one more point to which we would like to draw your attention, is the maximum of an ordinary clerk's salary. The maximum proposed by the Board following somewhat on the recommendations of the Expenditure Advisory Committee for an average Asian clerk, leaving aside few of exceptional qualities who would be fortunate enough to be taken up in the First and Special Grades, we find that £240 per annum

34

i.e. Shs.400 per mensem is not sufficient. This is apparently inadequate for an officer attaining the age of 32 and 33 should he be lucky enough to rise^{to} that figure without any hitch or hindrance. With a family of four to five members and with an average reduction of 50 per cent from his salary leaving a balance of Shs.280, it would apparently be very hard for an official to pull through. In his growing age the present expenses of a family man at the age of 35, 40, and so on, with consequential family responsibilities re: children's education and maintenance and other domestic commitments are a source of anxieties unnecessarily affecting his health both physically and mentally and generally on his efficiency. With the present distressing times and occasional retrenchments one is not sure of his job, and in case of an officer's services being dispensed with due to reorganisation or economy he would be plunged no doubt into untold worries. Having devoted his prime of youth to the service of Government he will be a man of straw with no substantial means to start a new life. The contribution from the Provident Fund which he will get and with no permanent provision in the shape of pension for his old age is not sufficient to keep him aloft. Under the circumstances we humbly submit that the proposed maximum for an average clerk is not adequate and requires raising it to a point quite commensurate to his position and post.

7. The higher posts for the Asian Staff so far as experience relates, will remain ornamental. As at present though 25 special grade posts were created only 14 seem to have been filled up, while the others are either abolished due to officers' retirement or kept in abeyance owing to the present financial stringency. In fixing the salaries of Asian Clerical Grades the Board has lost sight of the main fact that the subordinate position in the Local Service is the submit

35

summit of an Asian's career in Government service, while an European has every chance of being promoted to any post in the service. Moreover the door is always open for an European to aspire for anything accessible under the Colonial Service.

8. Efficiency is another factor to be considered in connection with the inauguration of Local Service in Kenya and generally everywhere in the world. Without exaggeration in any way it can safely be stated that the Asian staff has in the past proved quite efficient and capable of performing higher duties, as have been borne out by the various speeches made in the Legislative Council in May last.

9. Taking into account all the above facts, we submit below the following recommendations for your kind and sympathetic consideration. We might mention, however, that we are placed in no happier position in the task with which we are charged in presenting to Government the view point of the Asian staff who will be affected by the proposed new terms of service. On picturing to ourselves the discontent and a sense of insecurity which are likely to result as a natural corollary were the terms recommended by the Board to be adopted in toto by local Government, we are dutifully forced to conclude that, in the interests of the service and to maintain it in such a reasonable dignity as would preserve the efficiency of the staff concerned, a reasonable case exists for amelioration of the present position:-

Term of Reference No.1.

10. We respectfully beg to disagree with the Government's acceptance of the Board's recommendation to the effect that certain posts, which were suggested for inclusion in the Local Civil Service by the Biss Committee, should be deleted therefrom on the grounds

that

that, in some cases, they were unsuitable for inclusion in a Civil Service Scheme and, in others, the holders of the posts should be paid at market rates. It cannot be denied that these officials have taken up the service of Government as a career and that it would naturally constitute a very definite hardship and decided injustice to them if, after a very long and faithful service ranging from 10 to 20 years, they were to leave the service without any compensation for the heavy sacrifice of the major portion of their lives, in the service of Government. We would therefore recommend that a fitting recognition in such cases would be to have them merged in the new terms and thus afford them an opportunity to receive the benefit of Government's contribution to the Provident Fund, to which those officials drawing £90 and over per annum would be entitled. Moreover, we are of opinion that it would not be an easy task to assess the market value of these posts from time to time and, in the circumstances, all such posts which are shown in the Estimates and carrying a salary of £90 and over should, it is suggested, be permanently transferred to the Local Civil Service.

Term of Reference No. 2 (Salary Scales).

11. Learners. We consider that the salary of the II Grade proposed by the Board is too low for any one with an average standard of education to start his career in Government service. On this ground alone the necessity of having two sets of Learners in the service with salaries hardly sufficient to sustain them, does not arise so far as the Asian Learners are concerned, and we accordingly suggest, in order to attract the right type of recruit, that both the grades may be merged into one on the following scale of salary:-

£48 by £12 to £90.

This recommendation is primarily influenced by the fact that Learners, who form the back-bone of the service,

service, most of whom performing the duties attached to graded posts and equally efficiently, stand in need of encouragement, and the scales suggested by us, though not sufficiently remunerative to keep themselves free from want, might stand them in good stead as long as they live with their parents. Besides, there is the hope that, after a maximum period of three years in this grade and on passing the requisite Confirmation Examination, they could be merged in the clerical grade with better prospects in life.

It is further recommended for your sympathetic consideration that learners may be started on any point in the above scale according to their qualifications and that they should, on passing the Confirmation Examination, be granted promotion to the Clerical Grade. In any event, they are not to remain in the Grade for more than three years, double increments to be granted in deserving cases.

CLERICAL GRADES.

12. The Board in their Interim Report, in fixing the salary scales for the European Local Service kept constantly in their mind the following principles which they allege to have followed in the case of Asians:-

"9. So far as the question is concerned of determining appropriate scales for the various grades, clerical and non-clerical, it seemed to the Board that there were two methods of approach open. One was to assume that the service is at the moment in a state of reasonable equilibrium in regard to the emoluments attached to the various posts, and that all that was necessary was to agree on the adjustments which should be made in consideration of:-

- (a) Loss of free pension privileges.
- (b) Loss of free quarters.
- (c) Loss of certain minor privileges.

A simple mathematical calculation would then have determined the rate of pay, under the new conditions, for each grade. The other method of approach was to revise the value of certain posts, in relation to others, in addition to taking into consideration the loss of the privileges referred to above. The latter course obviously incurs the risk of creating apparent anomalies, but it is the course which appears to have been followed by the Merriak Committee, and the Board found itself in

agreement with that Committee on this point. 38

10. On proceeding to consider the salary scales proposed by the Merrick Committee, the Board, in order to obtain as true a picture as possible of the then existing position, caused columns 1 to 6 of Appendix to be prepared. From these emerged:-

- (1) That apart from the loss of free pensions and free quarters the clerical grades under the Merrick proposals suffer in cash salaries a heavy reduction, in the intermediate stages of service, as compared with present terms. Further, the scales proposed are inferior to those recommended by the Fitzgerald Committee.
- (2) That compared with the non-clerical grades (vide Appendix III of the Merrick Report) the clerical grades, appear to have suffered disproportionate reductions.

While the Board is satisfied that the clerical grades are, under existing regulations, relatively on better terms than the non-clerical grades and can therefore bear a proportionately greater reduction in present total emoluments, the Board is equally satisfied that, under the salary scales proposed by the Merrick Committee, the clerical grades not only suffer disproportionately but at certain points are assigned pay which is definitely inadequate. The Board, in view of the resources of the Colony, fully realizes the restrictive effect which unduly high emoluments for posts in the 'Local' Service may have on the number of such posts which may, as time goes on, become available for local European youths. On the other hand, the Board feels that it would be most unwise and might well prove disastrous to the establishment and maintenance of a Local Civil Service if a scheme for such a service were launched on terms which failed to offer an attractive and assured career to officers entering it."

13. All these principles have been in the case of Local Asian Civil Service conveniently overlooked. In our humble opinion the fixation of salary scales substantially lower than the existing ones without any compensation for the loss sustained would be tantamount to starting the Scheme with a very great handicap.

14. This Association holds the view that instead of there being two grades for the clerical staff as proposed by the Board, a through grade on the basis of the long grade system as at present in operation should be introduced, enabling an official to rise uninterruptedly to the maximum of the grade, provided his work and conduct have been satisfactory throughout. Experience shows that although the efficiency bars have been very much useful in deciding an

an officer's efficiency and fitness for further promotion; it has also been brought to light that certain departments under the excuse of financial considerations have unnecessarily come in the officer's way of promotion even though one is found to be quite capable, efficient and eligible for a step up in his normal promotion.

Further we consider that for duties carrying special responsibilities, officers of exceptional ability and qualifications should be selected, such posts being divided into the categories, viz., Special Grade and Special Post.

Our recommendations under this Head are as follows:-

In place of Grade II and I there should be only one grade called the Clerical Grade, the scale of salary of which we recommend to be:-

Clerical Grade. £102 by £9 to £138 by £9 to £156 by £12 to £240 by £15 to £345 per annum; with efficiency bar points at £138 and £240.

Special Grade. £360 by £20 to £420 } These to be 10%
Special Post. £ 440 by £20 to £480 } of the total
 establishment.

It will be observed that the scale proposed for the clerical grade represents an increase of 15% on the Board's proposals. This increase is recommended to cover house allowance, pension and other privileges now being enjoyed by the existing staff and which are denied to members of the Local Service.

15. It is further recommended that as at present, a clerk after passing the qualifying examination in the first year of his starting on the minimum salary, should, after remaining for one year on the minimum, be promoted to the first bar point, viz., £138 and that those who have already obtained a pass in the Confirmation Examination be exempted from taking this qualifying test.

As regards the Special Grade and Special Post, although the scales recommended by Mr. Oliver have been slightly altered, we fully endorse the views expressed by him in his Minority Report. As have been represented to the local Government from time to time, our Association again urges that promotions to these posts should be made from a general roster and that seniority should not be taken as the criterion for promotion. Officers of exceptional ability and qualifications should be afforded every scope to rise up to the goal of their ambition.

Non-Clerical Grades.

16. It seems from the perusal of the Board's proposed scales of salaries for non-clerical posts scheduled in the Board's Report, that, with the exception of very few adjustments, the maximum as well as the minimum of the present scales, to accord with the Board's reduced scales of salaries for clerks, have been further reduced, while in the case of European non-clerical service, in strict compliance with the principles initiated by the Board as quoted above, the present scales of their salaries have been increased by 20% and over in many cases. The fixation of reduced maxima of special and clerical grades have induced the Board to prune the scales of the non-clerical service in such ^a way as not in any case to exceed the proposed maxima fixed by them for various grades. There has been no attempt made to maintain parity on the basis of increased terms between Europeans and Asians. The following few typical examples at hand would convince you of the disparity between the scales of European and non-European non-clerical grades:-

(a) EUROPEANS.

<u>Post</u>	<u>Present Scales</u>	<u>New Scales as approved.</u>
<u>Foresters</u>	2300 x 18 to 390 x 18 to 480 x 20 to 500	£360 x 20 to 480 x 20 to 540.

(a) Europeans (Contd.)

<u>Post</u>	<u>Present Scales</u>	<u>New Scales as approved.</u>
Assistant Inspectors of Police	£300 x 18 to 372	£360 x 20 to 420
Laboratory Assistants	£354 x 18 to 390 x 18 to 480 x 20 to 500	£360 x 20 to 480 x 20 to 540
Dispensers	£300 x 18 to 390	-do-
Examining Officers (Customs)	£300 x 18 to 390 x 18 to 480 x 20 to 500.	-do-
Assistant Accountants (P.W.D.)	£426 x 18 to 480 x 20 to 600	£500 x 20 to 660
Draughtsman (P.W.D.)	£480 x 20 to 600	-do-
Asst. Superintendent of Prisons.	£300 by 18 to 354 x 18 to 390 x 18 to 480 x 20 to 500.	£360 x 20 to 480 x 20 to 540
Librarian (Agricultural Department)	£300 x 18 to 390	£360 x 20 to 480 x 20 to 540.

(b) ASIANS:

Assistant Foresters	£120 x 12 to 240	£106 x 8 to 138 to 146 x 12 to 230.
II Grade Asst. Sub-Inspectors of Police	£150 fixed	£106 x 8 to 130.
Sub-Foreman (P.W.D.)	£168 x 9 to 216 and 228 x 12 to 300	£146 x 12 to 280
Issuer of Medical Stores	£228 x 12 to 300	£146 x 12 to 230 x 10 to 240.
Sub-Draughtsman (Survey)	£228 x 12 to 300	£146 x 12 to 230 x 10 to 240 x 12 to 300.

17. We strongly deprecate the idea of lowering the minimum or maximum of non-clerical staff in view of the technical knowledge required of an Asian official and the time and expenses involved in its study. It has not yet been possible for us to go through each and every individual item in detail but in general we would recommend that the existing posts should not at all lose their head and tail, but that the scales of salaries should be improved by the addition of at least 15% to the present ones in order to cover free quarters, pension, and other privileges, as has been proposed by us in the case of

of clerical grades.

18. As regards teachers in the Education Department, we consider that (v) grade proposed by the Board on a scale of 290-28-2122 is not at all an attractive one in view of the meagre salary attached to such a profession and the high qualifications demanded of the teaching staff and humbly recommend its total deletion.

Although efficiency bars are set up in the case of teachers, it is the case that most of them stop in the fourth grade for a number of years and are not allowed to rise. This disability will be removed if our recommendations were given effect to as they would automatically rise to clerk's level without obstruction. The tendency has, of late, been to appoint qualified teachers on very low salaries and then keep them there without being promoted to higher grades. This has caused a great deal of discontent, and with the passage of time it may happen that such teachers may not be obtainable, which would seriously reflect on the Department concerned. We would therefore suggest that length of satisfactory service should be considered as a qualification for promotion to a higher grade, and no other consideration either financial or otherwise should form an obstacle in his promotion to a higher grade.

FEMALE TEACHERS.

18. We have to dissent from the Board's proposals that the salaries of women teachers should be 80% of the scales proposed for male teachers, in that, great difficulty has been experienced in the past in obtaining suitable types of women teachers in private as well as Government Girls Schools, and if they are accorded differential treatment in the matter of scales of salaries, this difficulty would only be enhanced resulting in the Department's interests being seriously prejudiced. In this connection we would reproduce here an extract from the Biss Committee's Report of 1932 whose Chairman

was Mr. E. E. Biss, the Acting Director of Education for the Colony.

"18. The only branch of Government Service in which Indian women are employed on any large scale is the Education Department. Qualified women are not easy to find, it is therefore not the case at present that market rates would justify lower scales for Indian women than those for males."

It is therefore not possible to get Indian female teachers at a comparatively same pay as that of male teachers. Qualified and trained female teachers are not available in Kenya and require importing them from India; and the salaries proposed to be offered are not sufficiently attractive to attract qualified Indian female teachers to come to Kenya. It is therefore suggested that there should be no differentiation between the scales for female and male teachers in any way.

House Allowance.

19. A number of non-pensionable officers drawing more than £21 per annum as house allowance in lieu of quarters, according to the normal scale laid down for their grades, may be included in the Local Service; and accordingly the Board's recommendation of a consolidation allowance of only £21 per annum in respect of quarters to those who are entitled to free quarters or an allowance in lieu thereof hits particularly hard on these officials, and we would recommend for your sympathetic consideration that they may be allowed to continue to draw the same allowance as is now granted to them.

Vacation Leave.

20. In dealing with leave problem we have had the occasion to read some of the extracts from the Plymouth Committee's recommendations regarding tours, leave and passages for the Colonial Service, published in local newspapers. The main two fundamentals on which the whole basis of their Report seems to have founded

are as follows:-

(1) Effect of climate on health, the mental effect of monotony of surroundings and society and the tendency towards narrowness of outlook which may follow a too prolonged spell of work in a comparatively restricted sphere.

(2) That the leave conditions of officers recruited from outside should be regulated by the same general principles irrespective of the Colony in which the officers should happen to be stationed, the mere distinction between local recruitment from outside will not entirely meet the case and the Committee believes that the members of certain grades should be treated alike irrespective of the place of their recruitment.

21. Under the previous regulations, all Asian officials, irrespective of length of service, were eligible for 3 months' leave after 33 months' tour, and 5 months' leave after a 43 months' tour, excluding voyage days. This worked out at the rate of 3 days and $\frac{1}{2}$ days leave per month in respect of the short and long tour respectively.

Secretariat Circular No.48 of 1932 laid down a 60 months' tour for officials with less than 11 years service and a 48 months' tours for officials with longer service, the rate being $\frac{3}{4}$ days per month in all cases, so that the junior official gets 5 months leave, while a senior official earns 4 months' leave after the completion of their respective tours.

The present leave regulations for European Civil Service as introduced by the said Circular are:-

3 days for each completed month of service where the normal tour is 48 months.

4 days for each completed month of service where the normal tour is 36 months.

Five months' service at an unhealthy station counts as 6 months' service at a healthy station,

1.3,144 days' leave in both kinds of tours with an addition of 56 days period of voyages.

This has been introduced as an emergency measure for a period of 5 years, and that a proposal to revise them in principle would be taken up after the lapse of that period.

While this Association remains firmly of the opinion that this revision is dangerously drastic it is considered that the principle embodied in the Leave Regulations promulgated by that Circular for European personnel of the service whereby seniority and the class of station were duly taken into account in fixing the rate of leave, was eminently equitable and satisfactory, and no reason was assigned in fixing the leave conditions of Asian staff on a different footing; and the proposals of the Association for their revision were as follows:-

(i) In respect of the first 10 years' service, the rate of leave to remain as at present, viz. 8 1/2 days per month, and thereafter at the rate of 3 days per month.

(ii) For purposes of a tour of service as well as leave, 5 months' service in a station classed as unhealthy to be regarded as 6 months' service in a healthy station.

This whole matter of leave regulations formed one of the subjects of a memorial to you dated the 21st April, 1954, whose reply is eagerly awaited by the staff. This drastic revision in the case of the present Asian staff is considered as a most unsatisfactory arrangement in the interests of the efficiency of the service and well-being of the staff.

The approved leave for European Local Service is pro rata on the basis of 10 days for quarter to which may be accumulated the last 18 days local leave; all leave is to be inclusive of the voyages and no officer is to be absent from duty for more than 190 days.

This works out at 40 days a year i.e. 160 days for four years plus 18 days local leave i.e. 178 days less

less 56 days for voyage, the balance is 122 to be spent in England. In case of a prolonged tour exceeding 4 years he has another 12 days to be earned making it a total absence of 190 days over which one cannot remain absent from duty.

Now comparatively in the case of an Asian officer in the new Local Service the maximum period for which he can remain absent from duty inclusive of voyage days and local leave of 18 days, is fixed at 150 days. The main difference is in respect of voyage days. It takes 22 days to India and back while for a return journey to England and back it takes 56 days i.e. 2½ times more than in the case of an Asian tour. It is 22 days annually an Asian official is earning under the present proposed Asian Local Service and in contrast to that an European officer earns 40 days annually. Though the stay in one's own country is nearly equalized, the earning capacity of leave and free passages is minimized by the indirect extension of tour to 6 years in the case of an Asian official while the tour of an European officer comes only to 4 years.

22. In this connection, we must submit that it may not be supposed that we are having recourse to undue comparisons between European and Asian staff, as, in the case of the former, leave conditions have, ever since they were promulgated from the outset, been laid down on a widely different basis from those applicable to the Asian staff. However, it has been felt that the enervating effects on the Asian staff of the inclement weather conditions obtaining in the tropics have been markedly noticeable in that several cases of premature deaths of Asians soon after their retirement have been reported, and we consider that long residence in the country, with short and few intervals of holidays between, may have chiefly contributed to hasten their end.

23. Further, medical statistics would have been

been more useful but, unfortunately for the Asian staff, they are not available and we have to depend entirely on hard facts of experience. It has often been mentioned officially and otherwise that Asian members of the service age very early. An Asian with very meagre means of resistance at his command becomes an easy prey to any disease. His low salary, coupled with other difficulties, aggravates the situation. With no ambition of rising up to a high post, he has to contend himself with reaching only to his restricted circumference after giving the major portion of his life to the service of Government. In the words of the Fitzgerald Committee "only the most exceptional circumstances should be allowed to interfere with the grant to such servant of Government a substantial holiday". The idea underlying the word "substantial" is quite apparent. Every precaution should be taken that the officer takes the leave, which can only benefit Government indirectly.

24. We, therefore, submit that there can hardly exist any valid reason for an inequitable distinction to be drawn between Europeans and Asians in the matter of assessment of leave, when it has been proved by experience that a poorly paid Asian living in the same surroundings and under exactly similar climatic conditions collapses more quickly than a European and therefore deserves equal, if not better, treatment in this regard.

25. Too much lengthening of an Asian officer's tour of service unnecessarily is tantamount to indirectly keeping him in a more subdued position. The extension of the period of a normal tour - not directly but indirectly by cutting down the earning capacity of free passages - on one side and the shortening of the leave period on the other hand - double out from both ends - can have no justification whatever. Even the 5 months' leave after 45 months' tour of service under the old Regulations was considered insufficient and the Association

has

has been asking for an increase on that period of ⁴⁸ leave. In the circumstances we would respectfully urge that under the present circumstances it would be reasonable if leave may be granted to an Asian official in the Local Service at the rate of $2\frac{1}{2}$ days per month to which may be added the last local leave due; all leave to be inclusive of the voyages as recommended by the Board. This would work out at about 5 months' leave in India after a tour of 5 years, which we feel is not an unreasonable allowance for such a lengthy tour. As experience has shown that even the greatly improved amenities available in the country have not succeeded in counteracting the deleterious effects of its climate on the health of the staff generally, particularly on those officials working at unhealthy and lonely stations, we would recommend that for the purposes of a tour of service as well as leave 5 months service in a station classed as unhealthy may be regarded as 6 months service in a healthy station. In this connection it is noteworthy that the recent malaria epidemic ~~was~~ affected the Asian Community much more than any other communities in Nairobi, and this can be corroborated by Government medical authorities. The Plymouth Committee also asserts that according to the evidence at their disposal "no part of Kenya can properly be described as entirely free from malaria."

26. Passages. As stated above, it has been proved by experience that protracted residence in the country is detrimental to the health of the staff with consequent loss of efficiency, and on this ground, more frequent changes are considered vitally necessary, but without the adequate provision for a free passage the whole aim of vacation leave is frustrated. It can be argued that subject to the exigencies of service, officers would be able to take leave after whatever number of years of service they wished. But, of course, until they had served six years of residential service they would not be

be eligible to receive a full cost of a return passage but only a proportionate amount, according to the number of years actually served. But this is another handicap in an officer's way of facilitating his home leave, and a further cut on the already low-paid official. The nett result would be that in order not to tighten his pocket he has per force to wait until he earned a full free passage. We would therefore recommend that free passage allowance of 20% per annum (putting it at a reasonable figure) as against 16 $\frac{2}{3}$ % recommended by the Board should be made to all members of the Asian Local Service, as it is necessary they should periodically have a change out of the Colony to recoup their health and at the same time broaden their views and gain experience by travelling abroad. This principle has also been accepted by the Merrick Committee. The cost of the officer's passage would be very insignificant to Government at an interval of 5 years period whereas it would be a great financial strain to the officer concerned. As a consequence, family passage allowance will be granted once during each period of five years to married officers.

27. Family Passage Allowance - Age Limit. In regard to the age fixed by the Board at 25 for a married officer to become eligible for the family passage allowance, we consider that a great majority of the staff will be debarred from availing themselves of this privilege as Asian officials generally marry at an early age. On the basis that an individual starting his career in the service at 17 years of age and getting married in his first tour, the object of this scheme of Government's assistance towards contributing towards the family passage will be achieved if he were to be afforded the opportunity of taking advantage of it when his wife accompanies him when proceeding to India on his return to duty. In the circumstances, we would suggest that the qualifying

age in this respect may be fixed at 22. 50

28. Quarters. We agree to the recommendation of the Board under this heading, except that the points on the scale of salary at which the different rates of rental should be varied in accordance with the scales proposed by the Association, which would be £228, £345 and over £345 for 5%, 7½% and 10% respectively.

29. Acting Allowances. While fully realizing the state of the Colony's finances, we are still of the opinion that in justice to the staff concerned and with a view to give incentive for putting forth their best efforts in the interests of Government, it would be a fitting recognition if acting allowances were granted to those officials undertaking the duties of higher and more responsible posts in an acting capacity. In the circumstances, we suggest that it is only within reason that an official in the clerical grade or on the non-clerical staff who has been detailed for duty in a Special Grade, Special Post or any other higher post carrying higher responsibilities, is sufficiently recompensed for the higher quality of the work demanded of him. We would therefore commend the payment of an acting allowance in such cases for your favourable consideration.

30. Contribution to Provident Fund. We understand that the point raised in our cablegram to you about the exclusion of many of the non-clerical officers from joining the Provident Fund Scheme has been met by amending the Ordinance in Select Committee of Legislative Council and therefore the only point ever which we have to approach you is in connection with the raising of the contribution rate both by the contributor and the Government.

Owing to the generally low salaries of the Asian staff, we feel that the amount which will accrue from the contributions at the rate of 5% together with Government's contribution would not be a very substantial one to help one in after life in educating his children and maintaining himself in his old age, and we therefore recommend that

Schedules
"B", "C", & "D"

that the rate be increased to 7½% from the contributor's side. The Government rate to vary accordingly. Comparative tables (Schedules "B", "C", and "D") of what an Asian official would get at various stages in his life time according to the scales proposed by Government at 5% and 7½% per cent and according to the scales proposed by the Association at the Association's proposed rate of 7½% are enclosed herewith.

We would therefore pray that before the new terms for the Local Asian Civil Service are brought into operation our recommendations may be given your sympathetic consideration.

We beg to remain,

Sir,

Your most obedient servants,

J. P. Tanaka

PRESIDENT.

H. M. ...

HONY. GENERAL SECRETARY.

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C" & "D"

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Your most obedient servants,

J.P. Lian

PRESIDENT.

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GENERAL SECRETARY.

SCALE OF SALARY APPLIED TO THE ASIAN STAFF FROM TIME TO TIME.

TABLE "A"

50

Grade	(1) As per Secretariat Circular M.P.54/1908.	(2) As per Secretariat Circular No.45 of 1915	(3) As per Secretariat Circular No.55 of 1923	(4) As per Sect. Circular No.55 of 1923	(5) & As proposed by the Board
	Shs.p.m.	Shs. p.m.	Shs.p.m.	Shs.p.m.	Shs.p.m.
Special				Over 500 @	530 by 26.66 to 620 by 30 to 680.
I	Over 400	Over 450	520 and above @	380x20-500	150x13.33 to 243.33 by 20 to 385.33x 166.66 to 400
II	320x20-400	320x20-440	380x30-510	280x15-360	
III	250x10-300	250-15-310	250x20-360	210x10-270	
IV		140x10-170(x)			

NOTES. The old rupee scales have been expressed by us in the above table in Shillings at two shillings to the rupee as they would have been so converted if in force now, under the E.A. and Uganda Currency Order No.2 of 1920.

@ - Although this grade was supposed to be without regular increments in actual practice the majority of the holders rose by regular annual increments of Shs.30/- to Shs.600/- p.m. and some even drew as much as Shs.800/-

(x) As a general rule clerks were started in this grade on Shs.160/- p.m.

* - It must be noted that the proposed scales by the Board carry no pension rights or allowances for quarters of 15%. They have meagre leave and passage concessions.

LEARNERS

Grade II - 50
to 80 with no
set increments
Grade I - 80 x
20 to 120.

SCALE OF SALARY APPLIED TO THE ASIAN STAFF FROM TIME TO TIME.

TABLE "A"

52

Grade	(1) As per Secretariat Circular M.P.54/1908.	(2) As per Secretariat Circular No.45 of 1915	(3) As per Secretariat Circular No.55 of 1923	(4) As per Sect. Circular No.55 of 1923	(5) & As proposed by the Board
	Shs.p.m.	Shs. p.m.	Shs.p.m.	Shs.p.m.	Shs.p.m.
Special	Over 400	Over 450	520 and above	380x20-500 Over 500	530 by 26.66 to 620 by 30 to 680.
I					150x13.33 to 243.33 by 20 to 383.33x 168.66 to 400
II	320x20-400	320x20-440	380x30-510	280x15-350	
III	250x10-300	250-15-310	250x20-360	210x10-270	
IV		140x10-170(x)			

NOTES. The old rupee scales have been expressed by us in the above table in Shillings at two shillings to the rupee as they would have been so converted if in force now, under the E.A. and Uganda Currency Order No.2 of 1920.

(c) - Although this grade was supposed to be without regular increments in actual practice the majority of the holders rose by regular annual increments of Shs.30/- to Shs.600/- p.m. and some even drew as much as Shs.800/-

(x) As a general rule clerks were started in this grade on Shs.160/- p.m.

& - It must be noted that the proposed scales by the Board carry no pension rights or allowances for quarters of 15%. They have meagre leave and passage concessions.

LEARNERS.

Grade II - 50
to 80 with no
set increments
Grade I - 80 x
20 to 120.

TABLE "B"

COMPARATIVE TABLE OF THE PRESENT AND THE
PROPOSED SCALES OF SALARIES FOR EUROPEANS AND ASIANS.

No. of years.	EUROPEANS.		ASIANS.		
	Age.	Present Scale £	Board's Proposals. £	Age. Present Scale £	Board's Proposals. £
1	17	...	...	..	..
2	18	180	150	18	90
3	19	200	165	19	94.10
4	20	220	180	20	99
5	21	240	195	21	103.10
6	22	258	210	22	108
7	23	276	240	23	112.10
8	24	294	260	24	117
9	25	300	280	25	120
10	26	318	300	26	126
11	27	336	320	27	132
12	28	354	340	28	138
13	29	372	360	29	144
14	30	390	380	30	150
15	31	408	400	31	156
16	32	426	420	32	162
17	33	444	440	33	168
18	34	462	460	34	177
19	35	...	480	35	186
20	36	...	500	36	195
21	37	...	520	37	204
22	38	...	530	38	213
23	39	...	540	39	216
24	40	...	550	40	228
25	41	...	560	41	240
26	42	...	570	42	252
27	43	...	580	43	264
28	44	...	590	44	276
29	45	...	600	45	288
30	46	...	620	46	300
31	47	...	630	47	306.12
32	48	...	640	48	360
33	49	...	650	..	...
34	50	...	660	..	...

90 to 145 by
 106 to 230
 114 by 10 to
 122 240.
 130
 146
 158
 170
 182
 194
 206
 218
 230
 240
 252 I. (2252 by
 264 12 to 300.
 276
 288
 300
 318 Special
 336 218 by 372
 354 by 18 to
 372 408.
 390
 408.
 ...
 ...
 ...

TABLE "B"

COMPARATIVE TABLE OF THE PRESENT AND THE
PROPOSED SCALES OF SALARIES FOR EUROPEANS AND ASIANS.

No. of years.	EUROPEANS.		ASIANS.		
	Age.	Present Scale £	Board's Proposals. £	Age. Present Scale £	Board's Proposals. £
1	17	...	...	...	...
2	18	180	150	90	90
3	19	200	165	94.10	98
4	20	220	180	99	106
5	21	240	195	103.10	114
6	22	258	210	108	122
7	23	276	240	112.10	130
8	24	294	260	117	138
9	25	300	280	120	146
10	26	318	300	128	158
11	27	336	320	132	170
12	28	354	340	138	182
13	29	372	360	144	194
14	30	390	380	150	206
15	31	408	400	156	218
16	32	426	420	162	230
17	33	444	440	168	240
18	34	462	460	177	252
19	35	...	480	186	264
20	36	...	500	195	276
21	37	...	520	204	288
22	38	...	530	213	300
23	39	...	540	216	318
24	40	...	550	228	336
25	41	...	560	240	354
26	42	...	570	252	372
27	43	...	580	264	408
28	44	...	590	276	390
29	45	...	600	288	408
30	46	...	620	300	...
31	47	...	630	506.12	...
32	48	...	640	360	...
33	49	...	650	...	...
34	50	...	660	...	...

11. (90 by
98 to 146 by
12 to 230
By 10 to
240)

252 I. (252 by
264 12 to 300.

Special
336 2318 by 372
354 by 18 to

Statement in detail showing the cost of living in the case of a Bachelor, a Married Man, a Married Man with 2 Children and a Married Man with 4 children.

Particulars	Monthly Expenses.			
	Bachelor	Married	Married with 2 Children	Married with 4 Children.
	Shs.	Shs.	Shs.	Shs.
Wages of one household boy	14	16	18	20
Conservancy charges	8	8	8	8
Water charges	5	6	7	8
Lights	5	6	7	7
Fuel	5	7	8	9
For Dhobi (Washerman)	4	8	10	10
Sweeper	2	3	4	5
Barber for crop and shaving	4	4	5	6
Bath soap, toilet soap etc.	1	3	4	4
Clothing i.e. suits, shirts, underwear etc.	10	25	30	35
Hats, shoes, socks and ties	5	10	12	14
Household linen, i.e. bed sheets, blankets, towels etc.	2	5	7	8
Additions to Furniture and household utensils	2	3	4	5
Transport (bus)	3	4	5	6
Medical fees in case of sickness excluding Govt. treatment	8	4	9	11
Postage and Stationery	2	2	2	2
Club and Association fees	6	6	6	6
Game, Library and sports kit	9	9	9	9
Contributions to Church Fund and Charity	2	2	2	2
School Fees	-	-	15	20
Holidays expenses once in a tour when travelling on local leave	8	6	9	12
Passage provision for wife and children in addition to Govt. contribution (2nd class return passages).	-	6	15	30
Meat, Fish and Eggs	9	12	14	15
Bread and Flour	9	12	14	15
Milk	4	7	14	20
Rice	7	10	12	15
Butter and Ghee	6	7	9	10
Vegetables and Fruit	6	7	8	9
Tea, Coffee and Sugar	5	6	7	8
Confectionery	2	3	5	7
Groceries (miscellaneous)	3	5	6	7
	Shs. 147	Sh. 212	Shs. 285	Sh. 355

N.B. the above excludes expenses for amusement, entertaining friends and guests, smoke etc. which are considered to be luxuries but yet a civilised man cannot do without them.

55

SCHEDULE "B"

Detailed Statement of an Officer's Account under
the Board's Proposals showing the effect
(approximately) on his salary.

1	2	3	4		6	7	8	9
Age.	Salary.	W. & O.P. Cont.	Provident Fund Contributions.		Total (Col's 4 & 5).	Interest at 3 1/2% Comp.	Grand Total.	Nett Salary drawn.
			5%	5%				
17	£ 90	-	4.5	4.5	9	-	£ 9	85
18	98	-	4.9	4.9	9.8	.315	19.115	93
19	106	-	5.3	5.3	10.6	.669	30.384	101
20	114	-	5.7	5.7	11.4	1.063	42.847	108
21	122	4.88	6.1	6.1	12.2	1.499	56.546	111
22	130	5.2	6.5	6.5	13.	1.979	71.525	118
23	138	5.52	6.9	6.9	13.8	2.503	87.828	126
24	146	5.84	7.3	7.3	14.6	3.073	105.501	133
25	158	6.32	7.9	7.9	15.8	3.692	124.993	144
26	170	6.8	8.5	8.5	17.	4.374	146.363	155
27	182	7.28	5% 9.1	7 1/2% 13.65	22.7	5.122	174.239	156
28	194	7.76	9.7	14.55	24.2	6.098	204.587	177
29	206	8.24	10.3	15.45	25.75	7.160	237.497	188
30	218	8.72	10.9	16.35	27.25	8.312	273.059	199
31	230	9.2	11.5	17.25	28.75	9.557	311.366	210
32	240	9.6	12.	18.	30.	10.897	352.263	218
33	252	10.08	12.6	19.9	31.5	12.329	396.092	229
34	264	10.56	13.2	19.8	33.	13.863	442.955	240
35	276	11.04	13.8	20.7	34.5	15.503	492.958	251
36	288	11.52	14.4	21.6	36.	17.253	546.211	262
37	300	12.	5% 15.	10% 30.	45	19.117	610.328	273
38	318	12.72	15.9	31.8	47.7	21.361	679.388	289
39	336	13.44	16.8	33.6	50.4	23.78	753.568	306
40	354	14.16	17.7	35.4	53.1	26.375	833.043	322
41	372	14.88	18.6	37.2	55.8	29.156	917.999	339
42	390	15.6	19.5	39.	59.4	32.129	1009.528	355
43	408	16.32	20.4	40.8	61.2	35.333	1106.061	371

56

SCHEDULE "C"

Detailed Statement of an Officer's Account under the Board's
Scale of Salary showing the effect (approximately) on his
Salary at a rate of contribution recommended by the
Association.

1	2	3	4		6	7	8	9
Age.	Salary.	W. & O.P. Cont.	Provident Fund Contributions.	Personal. State.	Total (Col's 4 & 5).	Interest at 3½% comp.	Grand Total.	Nett Salary Drawn.
	£		7½%	7½%				£
17	90	-	6.75	6.75	13.5	-	13.5	83
18	98	-	7.35	7.35	14.7	0.4	28.6	91
19	106	-	7.95	7.95	15.9	1.	45.5	98
20	114	-	8.55	8.55	17.1	1.6	64.2	105
21	122	4.88	9.15	9.15	18.3	2.2	84.7	108
22	130	5.2	9.75	9.75	19.5	2.9	107.1	115
23	138	5.52	10.35	10.35	20.7	3.7	131.5	122
24	146	5.84	10.95	10.95	21.9	4.6	158.	129
25	158	6.32	11.85	11.85	23.7	5.5	187.2	140
26	170	6.8	12.75	12.75	25.5	6.5	219.2	150
27	182	7.28	13.65	20.4	34.12	7.6	260.9	161
28	194	7.76	14.55	21.82	36.37	9.1	306.3	172
29	206	8.24	15.45	23.17	28.62	10.7	355.6	182
30	218	8.72	16.35	24.52	40.87	12.4	408.8	193
31	230	9.2	17.25	25.87	43.12	14.3	466.2	204
32	240	9.6	18.	27.	45.	16.3	527.5	212
33	252	10.08	18.9	28.35	47.25	18.4	593.1	223
34	264	10.56	19.8	29.7	49.5	20.7	663.5	234
35	276	11.04	20.7	31.05	51.75	23.2	738.2	244
36	288	11.52	21.6	32.4	54.	25.8	818.	255
37	300	12.	22.5	45.	67.5	28.6	914.1	266
38	318	12.72	23.85	47.7	71.55	32.	1017.6	281
39	336	13.44	25.2	50.4	75.60	35.6	1128.8	297
40	354	14.16	26.55	53.1	79.65	39.5	1247.9	313
41	372	14.88	27.9	55.8	83.7	43.6	1375.2	329
42	390	15.6	29.25	58.5	87.75	48.1.	1511.	345
43	408	16.32	30.6	61.2	91.8	52.9	1655.7	361

SCHEDULE "D"

57

Detailed Statement of an Officer's Account under the
Association's Proposals showing (approximately)
the effect on his Salary.

1	2	3	4		6	7	8	9
Age.	Salary.	W. & O.P. Cont.	Provident Fund Contributions.		Total (Col's. 4 & 5).	Interest at 3 1/2% comp.	Grand Total.	Nett Salary Drawn.
			Personal.	State.				
17	£ 102	4%	7.65	7.65	15.3	-	15.3	94
18	111	-	8.32	8.32	16.64	.53	32.4	103
19	120	-	9.	9.	18.	1.13	51.6	111
20	129	-	9.67	9.67	19.34	1.8	72.7	119
21	138	5.52	10.35	10.35	20.7	2.5	95.9	122
22	147	5.88	11.02	11.02	22.04	3.35	121.3	130
23	156	6.24	11.7	11.7	23.4	4.24	148.9	138
24	168	6.72	12.7	12.7	25.4	5.24	179.5	149
25	180	7.20	13.5	13.5	27.	6.28	212.7	159
26	192	7.68	14.4	14.4	28.8	7.44	249.9	170
27	204	8.16	15.3	15.3	30.6	8.71	295.8	181
28	216	8.64	16.2	16.2	32.4	10.35	346.6	191
29	228	9.12	17.1	17.1	34.2	12.13	401.4	202
30	240	9.60	18.	18.	36.	14.04	460.4	212
31	255	10.20	19.12	19.12	38.24	16.11	524.3	226
32	270	10.80	20.25	20.25	40.5	18.35	593.2	239
33	285	11.40	21.37	21.37	42.74	20.76	667.3	252
34	300	12.	22.5	22.5	45.	23.35	746.8	266
35	315	12.60	23.62	23.62	47.24	26.13	831.9	279
36	330	13.20	24.75	24.75	49.5	29.11	922.8	292
37	345	13.80	25.87	25.87	51.74	32.29	1032.7	305
38	360	14.4	27.	27.	54.	36.14	1149.8	319
39	380	15.2	28.5	28.5	57.	40.24	1275.5	336
40	400	16.	30.	30.	60.	44.64	1410.1	354
41	420	16.8	31.5	31.5	63.	49.35	1553.9	372
42	440	17.6	33.	33.	66.	54.38	1707.2	389
43	460	18.4	34.5	34.5	69.	59.75	1870.4	407
44	480	19.2	36.	36.	72.	65.46	2043.8	424

35

The Hon'ble H.G. Pilling.

Your Excellency,

I beg to move the motion standing in my name:-

"That the Report of the Civil Service Board on proposed terms and conditions for an Asian Local Civil Service be approved, subject to the substitution in Recommendation 10 of 16 days for 14 days as the period of local leave to be granted."

Honourable members of this House will recall that early in this year in May in the course of the debate on the motion on Sessional Paper No. 1 of 1934, relating to the establishment of the European Local Civil Service, the Honourable the Colonial Secretary informed the House that it was Government's intention, as soon as details of that Service had been disposed of, to provide suitable terms of service for an Asian Civil Service. That undertaking is now being given effect to in the motion before the House to-day.

I do not wish to take up the time of the House unduly, but it may present a clearer picture of the matter now under consideration if I outline briefly the steps leading up to the present Report.

In the year 1931 the Committee now known as the Fitzgerald Committee, appointed to examine the present terms and conditions attached to European appointments in the Kenya Civil Service, added a rider to its Report as follows:-

"As a rider to this Report, the Committee wish to state that the conclusions which they have reached in regard to the possibility of establishing a Local Service for Europeans on revised conditions point to the necessity for prosecuting an inquiry on similar lines into the terms and conditions on which Asian Civil Servants are employed. The

The Committee consider that these should be examined without delay with the object of attuning them to conditions as they exist in the Colony to-day."

As Honourable Members are aware, the Fitzgerald Committee was followed by the Merrick Committee with Terms of Reference as follows:-

"To examine, to report upon, to schedule posts and to draft Regulations, having regard to the principles laid down by Executive Council at its meeting of the 7th January, 1933, for the inauguration of -

- (a) a Local European Service; and
- (b) a Local Asiatic Service

Applicable to Government Servants not employed by the Kenya and Uganda Railways and Harbours Services."

This Committee submitted their recommendations regarding the formation of a European Local Civil Service, but before they could produce their Report on the Asian Service Mr. Merrick was transferred to Uganda and Mr. Miss succeeded him as Chairman. The personnel too of the Committee was modified by the addition of two Asian officers as representing the Asian Civil Servants and there was also one change in the personnel by the appointment of Colonel E.M. Lay vice Major Cavendish-Bentinck who was no longer able to serve.

That Committee reported in November, 1933, and their Report is known for facility of reference as the "Miss Report," although its full title is the "Report of the Local Asiatic Civil Service Committee". This report was circularised to all heads of departments and their views were collated and laid before Executive Council, and Council thereupon advised that this Report should be referred to the ad hoc Civil Service Board appointed to consider the Report of the Local European Civil Service Committee, with the same terms of reference exactly except the substitution of the word "Asiatic" for "European"

"European" wherever it occurred.

The Executive Council also advised that the personnel of the ad hoc Civil Service Board should be increased by the addition of an Asian member.

The Report now before the House to-day is the outcome of the labours of this Board.

If Hon. members will turn to the report itself they will find in paragraph 4 of the Report that the Board have indicated the principle which guided them in arriving at their recommendations, viz. that as between Europeans and Asians a fair and reasonable relationship, based generally on existing conditions, should be maintained in any new terms and conditions to be introduced.

Your Excellency, I will now take seriatim the Terms of Reference to the Board and endeavour to indicate in what respect these recommendations differ from those of the Biss Committee, and also at the same time to show how the terms and conditions now proposed for adoption for the new Asiatic Service compare with the existing conditions of service for Asian Civil Servants at present.

Speaking broadly, it may be said that the Board endorse the main principles laid down by the Committee and that the points of difference are of a minor character.

TERMS OF REFERENCE NO. 1 is in regard to the posts to be included in the Local Civil Service.

The Board recommends that certain posts should be deleted from the list of posts scheduled by the Committee. Honourable members will, I am sure, agree that it is more convenient

convenient and economical to obtain the services of carpenters, tailors, and blacksmiths at current market rates than to appoint individual craftsmen to be members of the Civil Service. They have also recommended the addition of two posts of Agricultural Assistant and Sub-Draughtsman. The omissions require a little explanation because they seem obviously posts which should be included in the Service. The explanation is a simple one and it is that those posts were not in existence when the Committee sat.

TERMS OF REFERENCE NO. 8 (Salary Scales).

The Service will consist of three classes:- Learners, Clerical, and Non-Clerical. Appendices I and II of the report show how the proposed salaries in the case of the clerical staff compare with those recommended by the Miss Committee and, in the case of the non-clerical posts, with existing salaries. I do not propose to take up the time of the House by referring to the various differences which occur here and there. These Appendices speak for themselves but it might assist Honourable Members to appreciate the effect of the proposals if I indicate briefly how the salaries proposed in Column II of Appendix I compare with the salaries paid at present.

Leaving aside for the moment the Special Grade posts, the main clerical staff is now in four grades:-

- 4th grade salary £90 by £4.10.0 to £120
- 3rd grade salary £120 by £5 to £162
- 2nd grade salary £162 by £5 to £216
- 1st grade salary £225 by £12 to £280.

It will thus be seen that the minimum salary under the new proposals will be the same, viz. £90 per annum, but that grades 4, 3, and 2 have been combined to form Grade II with a maximum salary of £240, as

compared with the existing maximum of £216. This maximum is more favourable than the grades to-day in so far as an officer may reasonably expect to reach it after 16 years' service, provided of course he is competent to pass the efficiency examination at the end of his seventh year of service. The qualifying examination to pass this efficiency bar covers the actual duties performed by the officer and should present no difficulty whatever to an officer of average ability and application, qualifications which, of course, Government has a right to expect. The incremental scales in the new scales are definitely more favourable to officers than those ruling at present.

For Grade I the same maximum salary of £200 per annum has been retained as at present.

In addition to these two grades, provision has also been made for a limited number of Special Grade posts. The new proposals provide for a commencing salary scale of £315 by £15 to £375 by £15 to £405, with an efficiency bar at £375. The maximum salary for these posts at present is £360.

The opportunity has been taken to regularise the conditions of entry into the Service. At the present time, youths of school-leaving age are taken into the Service as vacancies occur, at a commencing salary of £45 per annum in most cases. The qualifications which these entrants are now required to possess are those laid down in the Report for entry into Grade II of the Learner Class. A subordinate grade has also been created to meet the requirements of the more technical departments in regard to apprentices. The

The maximum age of entry into this grade is 15 years, and no special standard of academic qualification is insisted upon.

TERMS OF REFERENCE NO. 3 (Conditions of Transfer for Serving Officers).

There is really very little for me to say on this because with one exception the principles laid down and approved by this House in the case of the European Local Civil Service have been adopted in the present report. That is, that

"Officers on transfer should not be put in a generally less advantageous position than that in which they stand at present."

I propose therefore to refer only to that point of difference. In the case of the European Service, locally engaged officers of less than 5 years continuous service as at the 1st of January, 1933, are required to accept the new terms of service if they wish to continue in employment. The Board have recommended that in the case of Asians the period of continuous service should be 8 years, a difference of 2 years between the period of service within which an officer qualifies or otherwise for compulsory transfer into the new service. The reason for this difference is that in both cases, the normal period of two tours of service has been taken as the determining factor, the normal tour of an European being 3 years and of an Asian 4 years.

If I might digress for a moment, I should like to explain to the Honourable Elected Indian Members that, following the principles for the European Local Civil Service, the recommendations in the Report do not affect officers who have already acquired pensionable status, unless they

64

they voluntarily elect to transfer to the Asian Local Civil Service. In this connection I desire to invite the attention of Honourable Members to paragraph 8(5) on page 4 of the Report which reads:-

"If a pensionable officer is promoted to a post included in the Local Service, such officer should retain his pension rights as personal to himself."

It is the intention of Government to treat Asian Officers holding pensionable status who are selected for promotion to posts in the new Service in the same manner as their European colleagues who may be similarly situated in the European Local Civil Service. What this treatment will be was laid down in Sessional Paper No. 1 of 1954 which received the approval of the House. I will quote the relative extract:-

"In the event of officers at present serving on a pensionable basis being selected for promotion to posts scheduled for inclusion in the European Local Civil Service, corresponding to posts at present carrying pensionable status, they will, on promotion, retain their pensionable rights and other privileges at present attached to their service, and as an arrangement personal to themselves enter the salary scale laid down under the existing regulations for the pensionable office in question."

X

Of the Clerical and Labour staff now serving only 107 out of a total of 800 will be affected by the new terms of service and these are officers who are serving on purely temporary agreements. Of the officers other than clerks, approximately 150 out of 800 will be required to transfer compulsorily to the new Service. In their case also as possible hardship will be done since under the terms of the agreements under which they are now serving, or in view of the nature of the posts which they are now occupying, they would have

have little or no prospect of ever attaining pensionable status under the existing conditions. In fact, the introduction of the Asian Civil Service will greatly benefit those officers, since they will be afforded an opportunity of contributing to the Provident Fund which forms an integral part of the Asian Civil Service. I have given this explanation in order to remove any suspicion that the adoption of this Report will be to the detriment of any officers at present in Government employment.

TERMS OF REFERENCE NO. 4. This is divided into a number of sub-sections:

In dealing with the creation of the Learner Grades, I have already referred to the "Conditions of Entry" recommended by the Board and it is therefore unnecessary for me to traverse the same ground again.

I should, however, mention that it will not be necessary in all cases that candidates should pass through the Learner Grade. The Board has recommended that direct entry into Grade I should be permitted, but only in exceptional circumstances and when the candidate possesses the necessary qualifications, or the equivalent, for passing the efficiency bar at the \$145 step.

The next is the question of Leave.

Honourable Members will observe that it is only in connection with the Board's recommendations regarding leave conditions that Government has thought it desirable to make any amendment to the Report and that is the substitution of 18 days for the 14 days local leave.

I may inform Honourable Members that the existing Leave Regulations provide for a tour

tour of 48 months in the case of permanent and pensionable officers who have served continuously for 11 years or more, while for such staff who have not completed 11 years continuous service the tour is 60 months. In both cases the leave granted is at the rate of 24 days per month for each completed month of service and the time spent on the voyage is additional.

For the temporary non-clerical officers the tour is 60 months irrespective of the length of service, and the leave period is six months on half pay at the end of this time. Also again additional leave is granted in respect of the time spent on the voyage.

The Dias Committee recommended that 24 days leave should be granted annually, of which 17 might be accumulated. That is to say, there would be 7 days local leave and 17 days vacation leave, which could be accumulated up to a period of 4 months. The Civil Service Board recommended for the reasons given in the note on page 8 of the Report, the grant of 14 days local leave and 22 days vacation leave. The motion now before the House provides for giving still more favourable terms by the substitution of 18 days for 14 days local leave, making the period of local leave for Asians the same as for the European local Civil Service. Vacation leave has been retained at the 22 days recommended by the Board.

The Board's proposals also contemplate the grant to officers of one-sixth of the cost of a return passage to India for each year of residential service, and a family passage allowance of Rs.10.0 each way once during each period of 6 years.

The revised conditions are admittedly not so favourable as those existing at present, but having regard to all the circumstances they are undoubtedly reasonably generous. I have already said that the Report affects only a small proportion of officers new in the Service, and those who are not affected will remain under the same terms of service. The new conditions will, however, apply to all future entrants into the Government service. The great majority of these new entrants will be local youths. For many years past recruitment from India has practically ceased. To-day, the only officers engaged from India are for posts which require technical qualifications. At present, the number of these engagements does not exceed one or two a year. In a few years, therefore, the Asian Civil Service will be almost wholly composed of Kenyan Asians. They will be able, under the proposed leave and passage regulations, to pay a visit to India once every 6 years and to spend there a holiday of 124 days on full pay. In order to meet possible criticisms, that the Report provides for a tour by Asians of 6 years instead of the present tour of 3 years I wish to state categorically that this is not so. In future, there will be no such thing as a "tour" as it is now understood. Subject, of course, to the exigencies of the Service, officers will be able to take leave after whatever period of years of service they wish. They will not of course be eligible to receive the full cost of a return passage but only a proportionate amount, according to the number of years actually served.

I now turn to the question of "quarters". The principles approved for adoption in the

68

the European Local Civil Service have also been incorporated in their recommendations. Those officers who by their agreements or existing terms of service are entitled to free quarters or allowance in lieu, will continue to be given free quarters or to receive a personal consolidated allowance. Those officers who are not now entitled to quarters or allowance and new entrants into the Service, will not be given these privileges, and if they occupy Government quarters they will be required to pay rent for them based on percentages of their new salaries. The percentages are those fixed in the case of the European Civil Servants under similar conditions. Those on temporary agreements, if they cannot be provided with quarters, will be given a consolidated allowance of £21 per annum.

The other matters covered by this Term of Reference can be dealt with speedily.

Medical Attendance.

This will be free to officers and their families as in the European Local Civil Service.

Travelling and Motor Allowances. also the same as in the case of the European Local Civil Service.

The Asiatic Civil Servants will be granted allowances at the rates prescribed by general regulations applied to all members of the Service.

Acting Allowances.

The Report endorses the Hiss Committee's recommendation that no acting allowances should be paid.

Letters of Appointment and Discipline, are the same again as for the European Service. They will receive letters of appointment clearly setting out terms and they will be subject in matters of

of discipline to the Governor.

Age of Retirement.

Officers in the Asian Civil Service may retire or be retired at the age of 50 and may not in any case remain in the Service after reaching 55 years of age. Opinion will doubtless differ on whether this earlier age of retirement is more or less favourable than those laid down for the European Civil Service, both overseas and local, where the age of voluntary retirement is not reached until 55 years.

Provident Fund.

In Appendix III of the Report is a draft Bill to provide for the establishment of a Provident Fund. I do not propose to refer to the principles or details of the Bill -- which has been circulated -- since they will be fully dealt with by my honourable and learned friend the Attorney General who will shortly introduce a Bill and will explain the principles and details of that Bill.

Your Excellency, if I have taken up too much of the time of the House by too much attention to details, my excuse is that I have to the best of my ability endeavoured to show that the Board have, in their recommendations for the Asian Civil Servants, maintained a fair and reasonable relationship, based generally on existing conditions as between Europeans and Asians.

Your Excellency, I beg to move.

The Hon'ble the Attorney General.

Your Excellency I beg to second the motion.
Council adjourned for the usual interval.

Hon'ble J.B.Pandya:

Your Excellency,

I do not wish to take the time of the House by repeating the arguments I had advanced at the time the European Local Civil Service Scheme was before this House. I, however, still maintain the principle that it is wrong to divide the Local Civil Service into racial groups. The basic principle for recruitment of public services in any country and more so in a colony with mixed communities like Kenya, should be cheapness combined with efficiency. But in this country we find that artificial barriers based on race and colour have been created as a result of which we have now three distinct branches of service, namely, European, Asian and African, each one receiving a graduated scale of salary not based on its merits or efficiency by any examination or test common to all but in terms of race to which they belong.

The first thing which strikes any one when he examines European and Asian schemes is the glaring difference in the opportunities provided to rise to the higher posts in the Service. In the case of Europeans an ordinary clerk in any department can in course of time expect to rise to be head of the department but, as far as Asians are concerned they are supposed to remain subordinates and clerks. However bright an Asian may be, and whatever his intelligence and ability, he could not possibly rise to anything beyond a mere clerkship. Within my own personal knowledge there are a number of Asian officers who could fill any position of responsibility with credit and efficiency, but on account of racial barriers against them they have no chance to go forward.

Now, Sir, this humiliation based on race and colour is very galling to the self respecting
Indian

Indian race in this country. I do not understand why it should be taken for granted, as appears to be the case in this scheme, that no Indian of education and ability is capable of filling a post of officers grade in these Services.

We have to-day in the country fine, intelligent young men who are educated in our schools, and some of them go to England for higher education. Can any one say with fairness that whatever examinations they pass or whatever qualifications they possess, whatever standard of capacity and character they may have, they should not be given an opportunity to rise to officers grade in their own country ?

The words "their country" advisedly, because I assert that we who are here in this country have adopted this country as our home and it is much more so for those who are born and educated in this country and for whom this Local Service is intended. I could understand even examinations in England as a basis of qualification in order to get a right type of man for officers grade, but this permanent stigma of inferiority could not be allowed to pass without a protest in this House.

In this connection it is ridiculous to suggest that we cannot get a right type of man in this country. If in India there are men who have risen to posts of trust and the greatest responsibility under the Crown such as Governors, Ministers, Chief Justices of the High Court, heads of departments, and to posts carrying very great responsibilities, it is insulting to suggest that no Indian can be found in this country capable of filling an officers post even in the Local Civil Service. If a race is capable of producing leaders of men fit to occupy the highest posts in the Empire, it is equally

change in the Colonial Overseas Services. He said -

"I must say that so far as the senior posts outside the Local Civil Service are concerned, that is a matter which I cannot let out of my control and I have no intention of changing the basis of the great administration service of the Colonial Empire upon which indeed the whole of its justice, its administration, and its material prosperity depend."

This shows that the Secretary of State for the Colonies wishes to treat these two Services entirely separately, and therefore I could not see any justification for Government to deny the Indians any opportunity to rise to higher posts in the Local Service of the country.

With regard to the question of the interests of the country which the Government is supposed to have at heart, during the debate when the European Local Civil Service Scheme was before us in May last, I gave certain figures which indicated that if this differentiation was done away with the country would lose a sum of not less than £200,000 per annum, and during the last few years too. In these days of stress and financial difficulty this amount is not a negligible one. The provision of services revolves around our capacity to afford such services. All of us like to employ in our households the servants of our own races, but we do not do so in this country because we could not afford them, and we have to be satisfied with less efficient but less costly native services. In the same way the interest of the country demands cheap and efficient services, and it is not in dispute that Asians have been found efficient as well as cheap.

The whole issue of revising the present terms for both Europeans and Asians was raised on the grounds

ground of economy and that the financial position of the country does not justify rates of salaries and other privileges which may have been justifiable in more prosperous times. In revising the scheme for Asians, the Civil Service Board appear to have been guided by the principle of maintaining a fair and reasonable relationship based generally on the existing terms between Europeans and Asians, but the point I wish to make is that the Board seems to have entirely forgotten that the scales of salaries approved for both Europeans and Asians in 1920 were reduced drastically in 1923 in so far as the Asians were concerned but the salaries of the Europeans were substantially increased in 1926.

The Hon. Attorney General is reported to have said in the Budget debate that I had suggested in my speech in that debate a cut of 33 per cent in the salaries of Civil Servants. I should like to take this opportunity to say most definitely that I never suggested such a thing in my speech. What I said was entirely different. I do not wish to speak at length on this point in this debate because I shall have the opportunity to deal with that and other points at the time the motion for adoption of the report of the Standing Finance Committee comes before this House. But I mention this point here to emphasise that such a suggestion could not have come from me, because in regard to Asian Civil Servants I am aware of the fact that their salaries have already been reduced since 1923 to such an extent that they could not stand any more reduction. In support of this I will now give comparative scales of Europeans and Asians for 1920, those in force at present and new ones as now proposed for clerical services:-

services:-

(A) Europeans.

Grade.	1920	1926 or present	New ones as approved.
"C" Grade	} 2250 x 15 to 2400.	2180 x 20 to 240 18 to 300	2150 x 15 to 210 -240 x 20 to 420.
"B" "		2300 x 18 to 300	2440 x 20 to 520 x 10 to 2600.
"A" "		2350x 18 to 480 x 20 to 2800.	2620x 10 to 2660.
Special	2400x20 to 600		

(B) Asians -

Grade	1920	1925 or Present	New as suggested
IV Grade	290x9 to 214	290 x 4 1/2 to 120	
III "	2150x12 to 216	2125 x 6 to 162	290 x 8 to 145 x 12 to 230 x10 to 2240
II "	2225 x16 to 306	2165 x 9 to 216	
I "	2312	2225 x 12 to 300	2252 x 12 to 300.
Special "	2420	2360	2315x12 to 375 x 15 to 2405.

It is clear from this that while the European branch of the Service received substantial increases at every revision, the Asian branch seems to have got the reductions. It will be observed that Asian service for all practical purposes has been treated at par with local conditions for a long time, and no further adjustments are therefore possible without inflicting hardship. The present Asian scales are not higher even in comparison to services outside Government. At present an Asian official if he passes the prescribed examination is eligible, and practically every one does, on completion of one year's service he immediately rises to 2125. In the new scale it will take him over 5 years to reach that figure.

The Hon. Member made a point that the grade of rising to 2240 compared very favourably with the old conditions, but he omitted, or forgot, to mention that at present the scale for clerical services is a long grade rising from 290 to 2300 with an

76

an efficiency bar at certain stages. The new scale provides for rises up to £240 and that is the only normal rise a clerk is supposed to get. First grade and special posts are provided, but they are so few that in many instances clerks would not, I am sure rise to any higher than £240.

Now let us examine what is the result of the desire on the part of the Civil Service Board to maintain parity on the basis of existing terms between the Europeans and Asians. I now quote the scales affecting various posts:-

Non-Clerical Services.

(A) Europeans:-

Post.	Present scales	New Scales as Approved.
Foresters	£300 x 12 to 500 x 18 to 480 x 20 to 500.	£240 x 20 to 480 x 20 to 540.
Asst. Inspectors of Police.	£300 x 12 to £372.	£260 x 20 to 420.
Laboratory Assistants.	£354 x 12 to 500 x 18 to 480 x 20 to 500.	£260 x 20 to 480 x 20 to 540.
Dispensers	£300 x 12 to 390	£260 x 20 to 480 x 20 to 540.
Examining officers (Bachelors)	£500 x 12 to 390 x 18 to 480 x 20 to 500	£380 x 20 to 480 x 20 to 540.
Asst. Accountants P.W.D.	£426 x 12 to 480 x 20 to 540.	£500 x 20 to 600.
Druggists, P.W.D.	£480 x 20 to 600	£380 x 20 to 460.
Asst. Supts. Prisons.	£300 x 12 to 354 x 12 to 390 x 12 to 480 x 20 to 504.	£260 x 20 to 480 x 20 to 540.
Librarian (Agriculture)	£300 x 12 to 390	£260 x 20 to 480 x 20 to 540.

(B) Asians.

Post	Present Scales	New Ones as Suggested.
Asst. Foresters.	£120 x 12 to 240	£106 x 8 to 136 and £146 x 12 to 230.
2nd Grade Asst. Sub-Inspectors of Police.	£150 fixed	£106 x 8 to 130.
Sub-foreman P.W.D.	£166 x 9 to 216 and £228 x 12 to 300	£146 x 12 to 230.

(B) Asians (Contd.)

<u>Post</u>	<u>Present Scales</u>	<u>New Ones as Suggested.</u>
Issuer of medical stores.	£228 x 12 to 300	£146 x 12 to 230 x 10 to 240
Sub-Draughtsmen (Survey).	£228 x 12 to 300	£146 x 12 to 230 x 10 to 240 x 12 to 300.

One can see at a glance that the European servants have a substantial increase in their emoluments, whereas those of the Asians have been lowered. It was supposed the new terms would save the country a 15 per cent in the form of house allowance and a further 5 per cent in the form of contributions towards the provident fund scheme. From the figures I have quoted in respect of the clerical services it is sufficiently demonstrated that in the case of Europeans this out of 20 per cent in their emoluments is entirely restored to them by an equivalent rise - an even more in some cases - in their direct salaries. On the other hand, the Asian staff is asked to suffer the 15 per cent out in the form of house allowance and a 5 per cent out in the form of contributions to the provident fund scheme and in addition their salary scales have been substantially reduced. May I ask where is the fair and reasonable relationship, based generally on existing conditions between European and Asian services which was supposed to be the case according to the hon. member? Comments are superfluous on such a manifest piece of injustice to the Asian service.

Coming to the details of the privileges of the Services, the present length of tours for Europeans is 4 years for those below 9 years service and 3 years for those over 9 years service; for Asians 5 years for those below 11 years service and 4 years for those over 11 years service. In spite of persistent

75

persistent protests this difference has been arbitrarily maintained, but as far as local services are concerned I cannot see why. But what we actually find in these proposals as far as Europeans are concerned a tour of four years, the maximum at present in their case is fixed, while the Board has recommended a tour of 8 years for Asians, an increase of one year over their present maximum, against no increase in case of Europeans, or a difference of two years as between Europeans and Asians against one as at present. This appears to be very unfair and I suggest that instead of 8 years the tour should be reduced to 5 years for leave.

With regard to the family passages, there should be no qualifying age limit to earn this concession. The Board recommends the age of 25 years, and in case of Europeans it is 30. The primary object of this concession is to render financial assistance to the officers, and this object will not be achieved because in the case of junior officers whose scales of salaries are very low in the early years of their service would be deprived of this assistance.

With regard to the recommendation of the Board, Clause 5(7), of a consolidated allowance of 431 per annum in respect of quarters to those who are entitled to free quarters or an allowance in lieu thereof this hits most hardly those officials who have been drawing a higher rate of allowance. As an instance, the rates to-day are Sh. 35 per month for single men and Sh. 45 per month for family men. The new proposal will hit hard the family man who cannot afford to suffer this loss.

1

I submit that sympathetic consideration should be given to this point.

With regard to transfer of officers from present to the new terms, Clause 8 (3) says --- "Officers of less than eight years continuous services as at 1st January, 1933, should be required to transfer to the new terms of service." I take this to mean that those officers who have not completed 8 years service but who are confirmed and placed on the permanent and pensionable status would not come under the new scheme. It is not quite clear, and I shall be glad if the Hon. member when replying to this debate will inform me what is clearly meant by this clause.

The Board recommends that in case of officers at present on fixed salaries, the new rates be paid to them from the date of commencement of the new terms. This would ^{be} quite alright in case of European service, because scales for them are higher than at present in force, but in the case of Asians it is not so. As an instance, Second Grade Assistant Sub-Inspectors of Police are to-day on a fixed salary of £150 per annum, but according to the new terms their grade is £106 to £130. I should like to ask what will happen in such instances ?

The Board has accepted a very desirable principle in clause 8 which reads:-

"The first and most important conclusion was that officers on transfer would not be put in a generally less advantageous position than that in which they stand at present."

I think, according to this principle, in the case of the Assistant Sub-Inspectors of Police I have quoted, they should be promoted to the

the higher grade of £146 to £182. When replying to the debate I shall be glad if the non-mover would clear the position.

With regard to local leave the original proposal was for 14 days but I am glad to see that this motion proposes to amend it to 18 days, the same which is enjoyed by the European service. I wish the same sympathy and consideration had been extended to the other details of the scheme.

With regard to learner grade the proposal by the Board is to have two grades with £30 to £8 and 72. I do not see any necessity for these two grades and the scale is also very low. I suggest that there should be only one grade for learners £42 to 9. At the same time I hope it will be so arranged that the learners will not have to wait indefinitely for a long time to get into the regular grade.

Another point which I should like to mention is that these learners should not be kept indefinitely or for a long period in this grade. Sir, to-day in this learner grade there are a number of clerks who are working as regular clerks and as reliefs of ordinary clerks who have a grade and their position particularly is very unenviable. They have suffered for a very long time and I think justice should be done to them. In this connection I should like, in order to give the House an idea of the misery from which these clerks have been suffering, to quote an extract from one of their letters:

"I joined the department 5 years ago, and I passed my clerical staff confirmation examination. I am now working at a salary of Shs. 140 per month. I have applied many times regarding my long leave and grade. I believe these applications have been thrown in waste paper basket as no reply is ever received. Once I met personally the head in my department, who instead of giving me any hope, threatened me that I will be no more in this department if I will write any applications in future. I returned with a sob and did not write any more applications. I am a married man with wife and daughter and in a very desperate condition."

I make no specific complaint in regard to any of the departments with regard to this position, but I do submit, Sir, that whilst inaugurating this new Service from 1935 this sort of difficulty should be avoided and that these clerks who have been serving the Government long and very faithfully should be given the grade to which they are due and the long leave to which they are entitled.

Now, Sir, one word more before I conclude. In this country we desire a common citizenship - Kenya citizenship - which will give to all races and all sections of the people residing in Kenya, equal rights and equal opportunities to develop their capacities and to progress without any hardship or any hindrances on various racial grounds. We have

82
have emphasized our adherence to this principle time and again, and I am sure that we are not going to be tired emphasizing it again and again on all suitable occasions, because we believe it to be the only suitable solution of many of the ills from which this country is suffering.

It is a forlorn hope to get the principle of equal opportunities for all on a standard of qualification and examination to be recognised by the Government for the Civil Service in this country but I do not think that it is too much to ask for the same fair and just treatment for the Asian Civil Servants, and in doing this I desire to appeal with all the earnestness I can command that the Local Asian Civil Service should have the same leave and other privileges as those granted to the European Local Civil Service.

THE HON. SHAMSUD DEEN: Your Excellency, although my friend the Hon. Mr. Pandya just now said that we should take the opportunity to emphasize these points on every occasion when there is an opportunity of doing that before this House, I doubt very much whether we can do much by reiterating points which have been reiterated so often.

I think that this Report could be very properly headed as a Report of the terms and conditions for the drawers of water and hewers of wood, for the Indian Civil servant amounts to nothing more nor less.

Talking of principle, it does appear to me to be a rather strange and ironical exposition in view of the theory now being inaugurated in England as regards India taking a part in the

Empire, that nationals of the latter country should be for ever deemed to occupy the subordinate posts at all times in spite of any qualifications they may have. This, Your Excellency, is a peculiarity of Kenya Colony only. I notice that in Tanganyika Territory the Government has established - although it is just the commencement of it - that the colour of a person or his nationality will not be a bar to his rising to a higher position. In reading an important paper a few months ago I noticed that a native had been entrusted in Tanganyika with the position of an officer's post - I think that of a Deputy Registrar. I have seen in the adjoining colonies - in the French Colonies - that Africans hold commissions in military ranks. In the Portuguese Colonies, Indians have held the position of a Chief Justice and I believe there are still some Indians who hold the position of Attorney General and other high posts.

It is no doubt a very strange thing that so far as India is concerned, the same Government in London should have the power of sending out Britishers to occupy the highest posts, but in this Colony these posts be limited to a particular race. I am very sorry we are always accused of referring to this racial question, but this very Bill is based on a racial basis, but the hon. the member will think probably that the Asian Civil Service and the European Civil Service are practically based on equality, and if there are any differences they are very wide indeed, but the fact is that there is a dead stop to the rise in the subordinate service - he cannot rise. An Indian may be a most eminent lawyer but he cannot be a magistrate or law officer

in this Colony, and as I say it is hardly any use repeating these points over and over again.

But from an economical point of view I submit we are committing a great mistake in giving preference to these racial feelings. The other day I saw the work of an Indian contractor who was having all his stones dressed by native labour. I was rather surprised and asked him why I did not see any Indians, and he said a stone dressed by a native was as good as that done by a European. I submit that even Indians can be just as good. As I said the other day, a letter typed by an Indian is as good as one typed by a European, and if we can pay less for that there is no reason why we should not adopt that principle.

The hon. the member also said that recruitment from India had ceased. It may be that Indians are not actually recruited from India, but they find their way to this Colony and they are invariably taken to fill the vacancies by the influence of friends already in the service. I submit we ought to embody something in this Report that there should be a regular Civil Service Board and when a vacancy occurs it should be reported to that Board and the Board should invite applications and hold examinations and give the position to the person who qualifies. At the present moment when a vacancy occurs it is simply surreptitiously filled without anybody knowing until afterwards. That is one important fact that ought to be embodied in the Report. When I say that what I am trying to advocate is a preference for the Indian youths who have recently passed examination for some of them by no means a mean accomplishment, but in fact what happens? What happens is that they are offered the very generous and liberal scale of

of salary and allowances of £2 a month and then, even if taken as learners, they are subjected to the process of waiting for a very long period indeed, and there is no opportunity for the development of the genius who might be able to get out of the ordinary rut of life. I have known European Police Constables in this Colony rising up to the position of Superintendent, but the Indian Sub-Inspectors who have worked here for 30 to 35 years have never risen above the post of Sub-Inspector. That I submit, Your Excellency, will remain in the history of this Colony as a very unenviable record.

With regard to leave there are many anomalies in this Report. On page 22 of the Report the proposed Ordinance for a Provident Fund provides certain classes of servants who will not be entitled to contribute to the Provident Fund.

HIS EXCELLENCY: I would remind the Member that we are dealing with the Provident Fund at a later stage and perhaps you will formulate your questions on that later.

THE HON. SHAMSUD DEEN: I thought it formed part of this debate, but if I have an opportunity of referring to it later I will do so, I thought I should be in order to say that. There are so many other anomalies in the Service. For instance, I know that there are Europeans and Indians performing identically the same duties. In the Estimates you will find there is a European Assistant Surgeon and an Indian. The European is pensionable and the Indian is not. The salaries are always unequal, the European being much higher. Then there are such people as compounders who have worked in the Colony for as long as 40 years and have occupied

a whole district as the medical medium - call him superintendent or officer in charge - looking after a very large population of natives and have even been treating Europeans, but still on a non-pensionable basis, and it is very doubtful if they will come into the categories of the Service at all. These are the anomalies which ought to be removed.

There are so many points of detail which I do not propose to go into, but one is rather striking on the estimates, and I refer to the estimates for 1923. I have always considered that 1923 was an attractive stage of life in this Colony, but to-day the new Service will give them smaller wages than in 1923 although the expenditure generally of the Colony cannot be brought back to the same state as 1923. It is rather strange that Indians' salaries should be reduced even compared to that period.

All I can say is that although these inequalities can be perpetuated owing to the inferior position occupied by the Indian in this Colony, they still leave a very burning spot in the hearts of those perceiving them because no amount of argument will convince them that because they belong to the subordinate race they will always remain subordinate although doing the same kind of work.

DR. THE HON. A. C. L. DE SOUSA:

Your Excellency, I did not really intend to speak after the very lengthy and exhaustive speech made by the Hon. Pandy on the subject, but I think that in the introduction made by the hon. member no reference was made as to why Government

did not take into consideration the suggestion made by

by the only Asian Member of the Board in his Minority Report.

I also find, Sir, that, so far as we are concerned with the Report, there is no indication that Government have taken any notice whatsoever of the very able memorandum presented to them by the Asian Civil Service Association on the subject. I have that memorandum before me here and I should be glad to give it to the hon. mover for his information. That is a pity, because I am anxious that I should not repeat here all the grievances we have.

Quite a new principle seems to have been introduced in the matter of this service. Not only have the services been divided into water-tight compartments, but also an entirely new principle established. It is said that the Board have agreed to a principle of a reasonable relationship. By relationship is understood that there should be two different services for the two races; and by reasonable is meant that what is good for one race may not be so for the other. That is how I understand this principle of a reasonable relationship. I do not wish to refer more to these things because they have always been unpleasant to me, but I must say the responsibility belongs entirely to Government.

The Hon. Mr. Pandya referred to a statement of the Secretary of State, and I am glad he did it because it shows that the Secretary of State was willing to put in your Government's hands this question of the local services. I referred to that in the course of the debate on the European Local Civil Service Bill when it came up for discussion

discussion. If it is the intention of your Government to refer this matter to a Select Committee I think a lot of time might be saved by not getting into details, and if I had that assurance, I would rather not go further. I just want to know whether it is possible to discuss these things in a Select Committee:-

HIS EXCELLENCY: Government does not propose to refer this matter to a Select Committee.

Dr. THE HON. A. C. L. DE SOUZA: There are certain points which I will have to refer to for the consideration of this House. I am taking the smaller details because I do not think we can go into the bigger ones. There is the question of Government quarters which, when occupied by Government servants, will have to be paid for on a certain scale. My interpretation of this occupation of Government quarters on a certain rental is that the contribution which Government is supposed to make to the Provident Fund will be adequately met by the amounts that the Government will collect in the form of rents. You will be collecting a large sum of money in the form of rents for houses at present occupied by Civil servants, and as such you are giving out by one hand readily what you will be collecting now every month from the Civil servants in the form of rent.

There is also the question of Letters of Appointment referred to on page 9 of the report which leaves the matter in the hands of the department with a clause that removal from the Service should be within the power of the Governor. I understand the existing practice is that such matters are referred to the Secretary of State and I think that this practice is very good inasmuch

as it gives greater security to the members of the Service as, I understand, is the case with the European Local Civil Service.

There is a question mentioned, Sir, in this memorandum as to acting allowances. Now, Sir, I am sure some of the heads of departments, Hon. Members present in Council, will bear me out that additional services reflect a great deal on the health and the amenities of every servant and they are a frequent recurrence. Whenever members of the staff go on leave no additional provision is evidently made for these people to be relieved and I think, Sir, there should be an acting allowance for their doing the duties of their colleagues - possibly on a reduced scale, not the same as for a European perhaps, or even a lump sum - as an encouragement and as recognition by this Government that these extra services ought to be paid for and not to be taken as a free contribution.

There was a statement made here that there are no tours of service because the service is going to be a local service and the members are going to be Kenya-born. I think the hon. member said it should be possible to take leave after one year because provision is made for 22 days annually. It means, theoretically at least, that a member can take his leave every year. Now, Sir, is it suggested that for the sake of exigencies of the service a member may be given vacation leave on these terms after a year's service? Is it suggested on the other hand that it will be possible for a member to be kept 10 years for the sake of the service without having his vacation leave? Or

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Or is it not fair to mark down at what time they should be entitled to vacation leave? That is a point, Sir, which needs looking into because the Service as it exists to-day is very much dissatisfied with the terms of the long leave.

The passage expenses are also mentioned here - 16 2/3% of the cost in respect of each year of service. In the case of Europeans I think it is 25%. I think a certain amount of consideration is due on this score and again, Sir, the starting salary of £90 per annum is considered to be too low even for to-day's requirements. The 1920 scale minimum was £128.

I am very sorry to refer to these minor particulars, but I think it is the only opportunity to put them before you and I do hope that both the minority report of the Board as well as the memorandum which I am willing to place in the hands of the Hon. member will receive the consideration of Government.

THE HON. ISHER DASS:

Your Excellency, I do not think I will take the time of the House in going into the details of this Report. Nearly every point has been touched upon by the other Hon. Indian Members.

There are one or two points I will simply refer to and the first is that I am really surprised that no European Elected Member has thought fit to say one word. Probably it may be due to the fact that they in their opinion thought it was absolutely reasonable and quite a decent Report containing terms of service as good as the terms of service for Europeans. If that is their contention that the terms of service are the same as for Europeans, then I will ask them one question and I hope one of them will give me an answer

answer:- "Would they accept these terms for their own race? If they are as good as the terms for Europeans, would they have accepted them, if these terms were offered to them? I think I would rather leave it to them to answer that.

The second point is, do they think that these terms are deliberately put up by the Government based on a racial basis and treating the citizens of one Colony on a racial difference? And this is the greatest injustice. And may I ask another question: Do they believe that if injustice is done to one section of the population, they should actually sit here and look at our faces and let the injustice be done and that they should not utter a word? And then at the same time when the opportunity comes, they should get up and say whenever they are speaking that they are speaking on behalf of all the members and population in the peaceful development of the country? Those are the two questions I have put and I hope they will be answered by the Members on this side of the House. The same questions I would respectfully put to the Government also and I hope that the hon. the mover will answer them. But, as I said, I will not take the time of the House. There is one more point which I would like to ask, and I hope that an assurance will be given from the Chair or from the Hon. the Colonial Secretary. Is it the definite policy of Government to treat the Indian community on an inferior basis and to divide the country or the population into water-tight compartments purely on a colour or racial basis? If that is the policy then I think of course it will at once be made clear to the community

community, and if not, I will ask why, when the Secretary of State in his interview made it absolutely clear that he leaves that question entirely to the local Government, why has the local Government not acted in accordance with that advice, and thought fit that in the interests of economy and efficiency also there should be only one local Civil Service, because the Government expects from every man who joins, whether European or Asian, that he shall qualify and that he will submit to an examination, and if he passes these qualifications then he is a fit person, and if he does not then he does not join. From where comes the question of a European Local Civil Service and then an Indian Civil Service, and then probably in a few years time, Sir, another kind of Civil Service. That is all I am concerned with, and I hope I will have the satisfaction of an answer to the questions I have raised.

HIS EXCELLENCY: If no other Hon. Member wishes to speak, I will call upon the hon. mover to reply.

THE HON. DEPUTY COLONIAL SECRETARY: Your Excellency, I should like to make it quite clear at the outset that the two Committees who considered question of both the Local Civil Services did not view the matter solely from a philanthropic point of view. They set out deliberately with the object of trying where possible to effect economy in the cost of future Administration.

Dealing with the points raised by the Hon. member Mr. Pandya, the division of the Services into racial groups was, I think his main one. I should like to refer to what was said by the then Colonial Secretary in the debate in May last :-

"I feel that all of us here regret very much that any question of racial discrimination should have been raised on a measure which I believe, and honestly believe, does not raise any discrimination at all. . . In dealing with the problem in two parts rather than in one part, we are merely following precedent that has been established in the case of the Overseas Service.

For pensionable officers, whether European or Indian, they both obtain pension rights under existing Ordinances. The general basis of these Ordinances is the same, but they are secured, for what are quite obvious and not discriminatory reasons, in separate Bills."

I think that stands good today, and it is unnecessary for me to add anything to it.

Another point raised by the Hon. member was the lack of opportunity for Asians to advance in the Service. That point is rather outside the scope of the motion before the House. It is a bigger and wider issue than the Report has attempted to deal with. The Board was concerned solely with the terms and conditions to be applied to the two Services. It simply took the position as it found it, and dealt with the terms of recruitment and employment of staff for certain classes of work. There is nothing in the European Local Service which

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which prevents Your Excellency or the Secretary of State appointing an officer from that Service to one of the higher grade posts if he is considered suitable and fit for that post. I have been unable to find anything in the present Report which prevents Your Excellency or the Secretary of State from similarly appointing to a post any member of the Asian Civil Service who is considered to be fitted for that post. As far as the two Local Services are concerned, the position is exactly the same.

With regard to the new scales of salaries recommended in the report, as I already said, it was not the intention to increase salaries; the scales were fixed as the result of a great number of inquiries from commercial and professional houses as to the emoluments paid for a similar class of work. Government is entitled to obtain similar services for the same emoluments as professional and commercial houses. I may mention that the Hon. member Mr. Pandya, in quoting the scales applicable to Europeans, appears to have been incorrect. The actual scales are: C grade, £180 to £300; B, £240 to £390; A, £240 to £500.

As regards the question of relevant salaries I have here a book from which, with the approval of the House, I should like to read one or two extracts without comment. It is entitled "The Secret of Japan's Trade Expansion," the book has been circulated with the authority of the Japanese Government, and the writer is endeavouring to refute the allegation that Japan's commercial success was due largely to the very low rate of wages paid to the operatives in the factories. The intention of the writer is to show that the Japanese worker, although receiving actually a less cash amount than his competitor

in the West, is really getting a higher wage. He says

"The money wage alone does not govern the happiness of workers. The question is: how far can the worker satisfy his wants with the wages he earns? Again it cannot be said that the workers in one country lead a lower life than those of the other country simply because the former dispense with what the latter regard as necessities. It is quite natural that one nation should have a different mode of life from others which have different climates, customs, tastes, etc."

Again :-

"National habits and needs were different in Japan from those of a western country, and a mere monetary comparison of wage rates was therefore almost meaningless."

"The question is whether his cultural desires are high and, if so, whether he has means to satisfy them, and then, to what degree. It is difficult to define what constitutes cultural desires. But it is equally difficult to give a definition of the standard of living. The difficulty is not limited to the comparison of degrees of cultural wants. Even a comparison of necessities of life is not easy."

That is one point of view. As I say, Sir, I leave it without comment.

A further point regarding the length of tour was raised. I tried in my opening speech to emphasise the fact that under the new terms of service there would be no such thing as a tour of service. In future an officer would not be obliged to remain in the Colony on a 3, 4, or 5 years, or 6 years tour of service as the case might be. Under the new conditions, an officer, subject to the exigencies of the Service, will be able to take leave after 2, 3, 4, or 5 years, or even one year if a sufficiently lenient head of department will allow him to go: It cannot therefore be said there is any substance in the contention that Government is deliberately trying to make a 6 years tour for Asians.

DR. THE HON. A.C.L. DE SOUZA: On a point of explanation, Your Excellency, I wanted to know whether, under these terms of service, it is possible for an officer to be kept 10 years on the pretext of the exigencies

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exigencies of the Service, or even 15 years for that matter, without going on leave ?

THE HON. THE DEPUTY COLONIAL SECRETARY: I hardly think, Sir, that that point requires an answer, because it postulates an inhuman Government, an inhuman Colonial Secretary, or an inhuman head of department! The Hon. member Mr. Pandya also raised a point regarding the age limitation in the matter of family passages. There I think the balance is in favour of the Asian. An European officer will not qualify for family passage allowance until he has reached the age of 30 years. In the case of the Asian he will qualify for a family passage allowance when he has reached 25 years. The provision takes into consideration the different characteristics of the two classes of officers.

As regards the point raised in connection with Terms of Reference 23, namely the salary scale at which an officer will transfer to the new Service, the point is covered in the Report itself. Paragraph 8 (2) of the Report reads :-

"In the case of officers on incremental scales the old salaries to be drawn from the appointed date until the next incremental date when the officers will proceed to such step in the new scales as will give them not less than the salary which they would have drawn under the old rates of pay."

There is no intention that when an officer transfers to the new Service he should receive any more salary than he does at present; the intention underlying the creation of Local Services was not to increase expenditure on staff but to effect economies where they could be reasonably effected without hardship to individuals.

The Hon. member Mr. Pandya also raised another point with regard to the learner class, and suggested Government might well eliminate the subordinate grade
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96. 84
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As regards the point raised in connection with Terms of Reference (a), namely the salary scale at which an officer will transfer to the new Service, the point is covered in the Report itself. Paragraph 8 (2) of the Report reads :-

"In the case of officers on incremental scales the old salaries to be drawn from the appointed date until the next incremental date when the officers will proceed to such step in the new scales as will give them not less than the salary which they would have drawn under the old rates of pay."

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and provide for a minimum salary of £48 a year. I should like to point out that the subordinate grade, or Grade I, in the learner class is definitely to meet the case of apprentices. It is well known that in many walks of life not only does an apprentice get no salary while learning his job but often he has to pay for the privilege of being trained. The Board has recognised that the youngsters who will be taken as apprentices will not be in a position to keep themselves or to pay anything towards the cost of training, but I think that the considerations to which I have referred do provide justification for Government fixing a lower salary in the case of apprentices. For the first two or three years a boy in a technical department is worth practically nothing, and recognition has been given to that in fixing the salary scale. As regards promotion of learners, I am able to give an assurance that when the Service is brought into force and consideration is being given to transfers to it, every case will be considered on its merits, and if there are any individual cases of hardship which have not been able to get past the barrier of an unsympathetic head of department, they will receive consideration from whatever body is dealing with the transfers.

I must apologise, Sir, to the Hon. member Mr. Pandya if I have omitted to reply to any other of the points which he raised, but he shot them at me so rapidly as if out of a Maxim gun that while I was noting one down another may have been raised without my recording it.

HON. J. B. PANDYA: On a point of explanation, Your Excellency, when the Hon. member referred to the fact that I was incorrect in quoting the European salaries, I was referring to Appendix I of the European Civil Service

Service scheme, and I am absolutely correct.

THE HON. THE DEPUTY COLONIAL SECRETARY: I must apologise to the Hon. member in that case. I am not quite familiar with all the details of that Service and my information was that they were incorrect.

The Hon. member Mr. Shams-ud-Deen raised one point, in connection with the method of appointing Asian Civil Servants. He said that at the present time it was a rather hole and corner method, that officers used their influence to obtain appointments for their relatives, and that equal opportunities were not given to all candidates. As Your Excellency is aware, when the two Local Services are in being, it is the intention of Government to appoint a Civil Service Board which, if it does not actually deal with matters of detail, will at any rate exercise a supervision over general matters. If there do exist any hole and corner methods regarding appointments it will be open to any person to write to the Board and ask that opportunity be given officers of the Services or the general public to know when vacancies exist so that persons who wish to apply may be able to do so. I am not certain whether the Board will be responsible for the actual making of appointments. They may or may not. But there will at any rate be a Board to regulate such matters, if they do not accord with approved procedure.

As regards anomalies in the Service to which the Hon. member Mr. Shams-ud-Deen drew attention, especially in regard to different rates of wages, I have already read certain extracts dealing with the question from a different standpoint, and I submit that no answer is required other than that to be found in those extracts. He also raised a point that certain officers may be in the Service for a great number of years and not be pensionable

pensionable at the end. He instanced the case of compounders. That question was one of the anomalies which the introduction of the Local Service scheme is intended to remedy. You will find under Appendix II that provision is made for compounders and others to become members of the Asian Local Service, when they will become eligible to contribute to the Provident Fund, in the same manner as other officers. A great deal of stress was laid on the difference in salaries in 1923 and those now proposed that there has been a downward tendency for Asian salaries since that period. My information on that point is that the higher scales quoted by certain Hon members were due to special circumstances which I saw described in local paper not long ago, as a period of monkeying with the financial position; the higher scales were due I understand to the conversion of the rupee into the shilling, which made it necessary to pay a higher rate of salary at that particular period. That may be explanation why salaries were higher then.

The Hon. member Mr. Shams-ud-Deen raised a point of detail about the pensionable status of European and Asian sub-assistant surgeons. The present position is that at present all are pensionable, whether European or Asian. One point in connection with the proposed terms of service I should like to make; that is, as I mentioned in my opening speech, there is a comparatively small proportion of the present Asian Civil Service staff who will be affected by the Report. Those who will not be affected will continue on their present terms of service. The new terms will of course apply to new entrants. I do not think that in laying down new terms which persons can either elect to take or not, injustice is being done to anybody. If persons consider the terms of service

are not sufficiently attractive they have the option of taking up other forms of employment. 80

The Hon. member Dr. de Souza asked that Government should consider the Minority Report, as well as representations by the Asian Civil Service Association. I can assure the House that those representations have been fully considered by Governor in Council, and one result was the change in the period of local leave which forms part of the motion now before the House. He also said Government was getting back on the swings of house rent what it would lose on the roundabouts of Provident Fund. As I have already explained, this Government did not direct the Board to consider terms which were more generous than those which then obtained. The new conditions will not affect those actually serving at present, who are entitled to quarters. New entrants may in certain cases be required to occupy Government quarters if they are available, but if they do, they will have to pay a small percentage of their salary for the benefit they are receiving in return, viz. the accommodation. I do not think any hardship will be created by this requirement. With regard to acting allowances, no hardship will be caused because these allowances have as a matter of fact been cancelled since the beginning of 1955, so that in this respect there is no change under the new terms.

I do not think any points were raised by the Hon. member Mr. Isher Dass which call for a reply from me. They referred to questions of policy which were outside the purview of the Committees appointed to consider the European and Asian Services.

The question was put and carried.



COLONY AND PROTECTORATE OF KENYA

Report of the Civil Service Board
— ON —
Proposed Terms and Conditions for
an Asian Local Civil Service

SEPTEMBER, 1934

NAIROBI:
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1934

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an Asian Local Civil Service**

103

Report of the Civil Service Board on Proposed Terms and Conditions for an Asian Local Civil Service

YOUR EXCELLENCY,

The *ad hoc* Civil Service Board appointed by Your Excellency in December, 1932, had in August, 1933, the following matters referred to them and now have the honour to submit their report.

"1. To examine and to report upon the inclusion of the posts scheduled in the Report of the Local Asiatic Civil Service Committee in the light of the comments received and the decision of Executive Council that officers with six years*, or more, service should retain Overseas Service rights;

2. To advise, assuming a 10 per cent reduction from salary will have to be made to cover contributions to a Contributory Pensions Scheme and obligations in respect of the Widows' and Orphans' Pensions Scheme (or such modification thereof as the Board may recommend), whether the scales of salary set out in the Report of the Local Asiatic Civil Service Committee are reasonable, and, if not, what variations should be made;

3. In the light of such advice, to make detailed recommendations as to points in the scales of salary on which officers recommended for a Local Civil Service should transfer; and

4. To consider and make recommendations upon any further points of detail which may still require the decision of Government in order that its policy in creating a Local Civil Service for Asians may be put into operation as equitably and as expeditiously as possible."

2. As Your Excellency will be aware, the first duty with which the Board was charged on its appointment was to consider and report upon certain proposals regarding the establishment of a European Local Civil Service and that it was not until April last that a scheme for this Service took final shape in Sessional Paper No. 1 of 1934 which was adopted by the Legislative Council on the 9th May.

3. As an approved scheme for Europeans was to be the first step in the direction of setting up local services both for Europeans and Asians, and because any scheme adopted for

*Vide Para. 8 (3) of Report.

Europeans must clearly have a considerable bearing on proposals for an Asian Service, the Board felt that it would be wiser to defer consideration of their present terms of reference until they had before them the agreed main outlines of the scheme for Europeans, and that course has been followed.

4. Before proceeding to frame the recommendations contained in this Report, the Board came to the conclusion that, as between Europeans and Asians, a fair and reasonable relationship, based generally on existing conditions, should be maintained in any new terms and conditions to be introduced. This general conclusion is reflected in our recommendations.

5. For brevity of reference in this Report, the Report of the Local Asiatic Civil Service Committee will be referred to as the "Biss" Report.

TERM OF REFERENCE No. 1 (LOCAL SERVICE POSTS).

6. Subject to the following modifications, we endorse the recommendations of the Biss Report as to the posts which should be included in a Local Civil Service—

Posts to be deleted.

Government House.—

- (1) Doorkeeper.
- (2) Butler.
- (3) Carpenter.

Agricultural Dept.—

- (4) Artisan.

Customs Dept.—

- (5) Sergeant Major.
- (6) Sergeants.

Police Dept.—

- (7) Tailor.
- (8) Machinist.

Post and Telegraphs Dept.—

- (9) Postman.
- (10) Blacksmith.
- (11) Carpenter.

Prisons Dept.—

- (12) Master Mason
(post abolished).

Recommendations
Local Service
Posts

In the case of posts (1) and (2) it has been agreed that in future these offices should be filled by Arabs or Africans. In any event the posts do not appear suitable for inclusion in a Civil Service scheme.

In regard to posts (3), (4), (5), (6), (7), (8), (9), (10) and (11), we consider that the holders of such posts should be paid at market rates and that the posts should not form part of a permanent Asian Local Civil Service.

Posts to be added.

Agricultural Dept.—

Agricultural Assistant.

Post and Telegraphs Dept.—

Sub-Draughtsman.

In the interests of uniformity we recommend that the present posts of—

- Draughtsman, Education Department;
- Draughtsman, Post and Telegraphs Department;
- Sub-Draughtsman, Public Works Department;
- Junior Draughtsman, Survey and Registration Department;

should all be designated "Sub-Draughtsman".

TERM OF REFERENCE No. 2 (SALARY SCALES).

7. (a) *Learners (with seven or less Qualified Apprentices).*

For the reasons which apply in the case of the European Service, the Board consider that Asian learners should also be divided into two grades, viz.—

Grade II. ... £46 to £56 per annum with no set increments.

Grade I. ... £46 to £56 to £72 per annum.

The scale recommended in the Biss Report is £48 by £46 to £72.

(b) Clerical Grades.

The scales recommended by the Board, viz:—

Grade II. ... £90 by £8 to £146 by £12 to £230 by £10 to £240.

Grade I. ... £252 by £12 to £300.

Special Grade ... £318 by £18 to £372 by £18 to £408,

Recommendations
Scale of
salaries for
European
Grades.

Recommendation
III

Scale of
salaries for
Clerical
Grades.

104

TERM OF REFERENCE No. 3 (CONDITIONS OF TRANSFER FOR SERVING OFFICERS).

8. The conditions on which the officers affected should transfer to the European Local Service formed the subject of the Board's Third Interim Report. We consider that the arguments and principles underlying the recommendations contained in that Report apply equally to the Asian Service. The first and most important conclusion was that "Officers on transfer should not be put in a generally less advantageous position than that in which they stand at present".

We therefore recommend that:—

- (Note: In these recommendations the "appointed date" means the date fixed for the introduction of the new Service).
- (1) In the case of officers on fixed salaries the new rates to be payable on the appointed date.
- (2) In the case of officers on incremental scales the old salaries to be drawn from the appointed date until the next incremental date when the officers will proceed to such step in the new scales as will give them not less than the salary which they would have drawn under the old rates of pay.
- (3) Officers of less than eight years' continuous service as at 1st January, 1933, should be required to transfer to the new terms of service.

(Note.—The period of eight years has been fixed as corresponding to the six years' period decided upon in the case of European officers, i.e., a period equivalent roughly to two tours of service under existing conditions.)

- (4) Officers of eight years' service as at the 1st January, 1933, and over, should have the option of remaining on their existing terms and conditions, but any officer may at any time transfer to the new terms, provided that only those officers who voluntarily transfer to the new Service within six months of the appointed date should receive the benefit of Government's contribution to the Provident Fund in respect of previous service. A pensionable officer so transferring should forfeit his pension rights.
- (5) If a pensionable officer is promoted to a post included in the Local Service, such officer should retain his pension rights as personal to himself.

Recommendation V. Conditions of transfer of serving officers.

Appendix I. are shown in Appendix I side by side with those proposed in the Biss Report. The following departures from the latter will be observed:—

- (1) Grades C and B of the Biss Report are merged to form a long Grade II and a bar at £146 is introduced.
- (2) The minimum of £90 per annum has been retained, but the maximum has been raised from £225 per annum to £240 per annum and the rate of increment improved.
- (3) As a corollary to raising the maximum of Grade II, the minimum for Grade I has been raised to £252 per annum. The increments and maximum for Grade I (Biss Report, Grade A) remain unaltered.

In regard to (1), the Asian Service, under existing regulations, enjoy a through scale to £300 per annum, but, apart from this, the Board consider that the principle of a long scale should be retained, subject to the safeguard of a bar at an appropriate point. Moreover, the Board's recommendation in this matter is in conformity with the scheme for Europeans.

In regard to (2), the maximum of Grade II will represent the limit of advancement for the bulk of the Service. The Board agree with the view of the Expenditure Advisory Committee that a maximum of £240 per annum might be allowed for the ordinary clerical service performed by Asian clerks, i.e., service of the kind which will be performed within Grade II. The Board further consider that there is a case for improving the incremental rate to the slight extent recommended by them. The rate proposed will enable an Asian clerk to reach the maximum of Grade II in 16 years as compared with 15 years in the case of the corresponding European grade.

(c) Non-Clerical Grades.

The Board's recommendations under this head are contained in Appendix II which also shows the proposals of the Biss Report. It will be observed that, generally speaking, the Board have seen no reason to differ materially from the Biss Report. The minor variations which have been made have been made solely in order to conform with the Board's proposals in regard to the scales and increments proposed for the clerical grades.

Recommendation IV. Scales of salary for non-Clerical grades. Appendix II.

are shown in Appendix I side by side with those proposed in the Biss Report. The following departures from the latter will be observed:—

- (1) Grades C and B of the Biss Report are merged to form a long Grade II and a bar at £146 is introduced.
- (2) The minimum of £90 per annum has been retained, but the maximum has been raised from £225 per annum to £240 per annum and the rate of increment improved.
- (3) As a corollary to raising the maximum of Grade II, the minimum for Grade I has been raised to £252 per annum. The increments and maximum for Grade I (Biss Report, Grade A) remain unaltered.

In regard to (1), the Asian Service, under existing regulations, enjoy a through scale to £300 per annum, but, apart from this, the Board consider that the principle of a long scale should be retained, subject to the safeguard of a bar at an appropriate point. Moreover, the Board's recommendation in this matter is in conformity with the scheme for Europeans.

In regard to (2), the maximum of Grade II will represent the limit of advancement for the bulk of the Service. The Board agree with the view of the Expenditure Advisory Committee that a maximum of £240 per annum might be allowed for the ordinary clerical service performed by Asian clerks, i.e. service of the kind which will be performed within Grade II. The Board further consider that there is a case for improving the incremental rate to the slight extent recommended by them. The rate proposed will enable an Asian clerk to reach the maximum of Grade II in 16 years as compared with 15 years in the case of the corresponding European grade.

(c) *Non-Clerical Grades.*

The Board's recommendations under this head are contained in Appendix II which also shows the proposals of the Biss Report. It will be observed that, generally speaking, the Board have seen no reason to differ materially from the Biss Report. The minor variations which have been made have been made solely in order to conform with the Board's proposals in regard to the scales and increments proposed for the clerical grades.

TERM OF REFERENCE No. 3 (CONDITIONS OF TRANSFER FOR SERVING OFFICERS).

8. The conditions on which the officers affected should transfer to the European Local Service formed the subject of the Board's Third Interim Report. We consider that the arguments and principles underlying the recommendations contained in that Report apply equally to the Asian Service. The first and most important conclusion was that "Officers on transfer should not be put in a generally less advantageous position than that in which they stand at present".

We therefore recommend that:—

(Note: In these recommendations the "appointed date" means the date fixed for the introduction of the new Service).

Recommendation 17.
Conditions of transfer of serving officers.

- (1) In the case of officers on fixed salaries the new rates to be payable on the appointed date.
- (2) In the case of officers on incremental scales the old salaries to be drawn from the appointed date until the next incremental date when the officers will proceed to such step in the new scales as will give them not less than the salary which they would have drawn under the old rates of pay.
- (3) Officers of less than eight years' continuous service as at 1st January, 1933, should be required to transfer to the new terms of service.

(Note.—The period of eight years has been fixed as corresponding to the six years' period decided upon in the case of European officers, i.e., a period equivalent roughly to two tours of service under existing conditions.)

- (4) Officers of eight years' service as at the 1st January, 1933, and over, should have the option of remaining on their existing terms and conditions, but any officer may at any time transfer to the new terms, provided that only those officers who voluntarily transfer to the new Service within six months of the appointed date should receive the benefit of Government's contribution to the Provident Fund in respect of previous service. A pensionable officer so transferring should forfeit his pension rights.
- (5) If a pensionable officer is promoted to a post included in the Local Service, such officer should retain his pension rights as personal to himself.

- (6) Suitable adjustment should be made in the case of officers, including learners or probationers, whose normal advancement to graded posts had been stopped pending the inauguration of the new Service.
- (7) Officers who on the appointed date are entitled, by agreements or existing terms of service, to free quarters or an allowance in lieu, should be allowed to draw a personal consolidation allowance of £21 per annum while serving in the Colony, but this allowance should not be payable when such officer is in occupation of Government quarters, or when issued with a tent, caravan or other shelter in lieu of permanent quarters.

TERM OF REFERENCE No. 4.

9. Our fourth term of reference deals with the points of detail which require to be decided in order that the creation of a Local Civil Service for Asians may be put into operation as equitably and as expeditiously as possible and for the sake of brevity we have summarized the results of our investigations in the following recommendations.

(1) Conditions of Entry.

(a) Learner Grades.—

For entry into Grade II of the Learner Class, we consider that the minimum age should be fifteen years and that there should be no educational qualifications insisted upon for such entry; entry to this grade should be at any point in the scale at the discretion of the head of department.

For entry into Grade I, we consider that it should be possible for a Learner to be transferred from Grade II to Grade I provided a qualifying period of one year at least has been served in the lower grade.

For direct entry into Grade I we consider that one of the following educational qualifications should be a *sine qua non*—

- (a) London Matriculation Certificate.
- (b) Senior (Local) _____
Oxford _____
Cambridge Certificate.
- (c) School Leaving Certificate.
- (d) Some such equivalent standard of education as may be approved by the Civil Service Board.

We do not consider that it is necessary to provide special salary scales for Apprentices for non-clerical posts as we are of opinion that the foregoing scales and conditions are suitable for application to this class of recruit.

(b) Grade II.

- (i) The minimum age of entry should be seventeen years.
- (ii) Direct entry, regard being had to age and general educational qualifications, should be allowed at any point, provided a typing or departmental test has been passed.
- (iii) To pass the £146 efficiency bar a clerk should be required to have passed an examination, part of which should be oral, in the following subjects :—

A.—Compulsory.

- I. English.
- II. Arithmetic.
- III. Accounts or a Special Departmental Examination if a knowledge of accounts is not required.
- IV. Code of Regulations.
- V. General Knowledge.
- VI. Typewriting.

B.—Optional.

- I. Swahili.
- II. Shorthand.

This examination may be taken at any time by a clerk before he reaches the £146 efficiency bar.

(c) Grade I.

- (i) Subject to approval by Government direct entry should be permitted, but only in rare cases, and that in such cases age, experience and the possession of the qualifications or the equivalent for passing the £146 bar in Grade II should be insisted upon.
- (ii) Promotion to this grade should be made only after a positive certificate of efficiency has been obtained and then only to fill an existing vacancy.
- (iii) There should be a definite establishment of Grade I posts on a general roster throughout the Service.

(Note: Of the posts in the Clerical Service, 25 per cent should be Grade I.)

Recommendation IX.
Special Grade.

(d) *Special Grade.*—

In our opinion the Special Grade posts should be limited in number and to duties carrying special responsibility and should be restricted to officers of exceptional merit and capacity.

We do not consider it necessary to lay down any standard of qualifications for entry into this grade.

(2) *Leave.*

We recommend that leave should be granted on the following basis :—

Local ... 14 days per annum.

Vacation ... 22 days annually to which may be added the last 14 days local leave due; all leave to be inclusive of the voyages and no officer to be absent from duty for more than 150 days.

(Note: Influenced by their desire to maintain a fair relationship between the conditions to be introduced as between the European and Asiatic Services, the Board have recommended some increase in the amount of leave suggested by the Biss Report which envisaged a grant of seven days' local leave per annum and three months' vacation leave after six years' service. They consider, therefore, that their recommendation is a reasonable one because after a normal period of duty an Asian officer would have earned 146 days' leave from which must be deducted twenty-two days for the period of the return voyage to India leaving a balance of 124 days to be spent in India as compared with the 122 days in England earned by an officer of the European Local Civil Service after a normal period of duty on his part.)

(3) *Passages.*

On the analogy of the European Local Civil Service we recommend that :—

- (i) An officer should be considered to have earned in respect of each year of residential service 168 per cent of the cost of a return passage in accordance with current passage regulations, provided that when an officer is ordered to proceed on leave overseas on medical grounds he should be granted a free passage.
- (ii) A family passage allowance of £8/10 each way should be granted once during each period of six years to married officers who have attained the age of twenty-five years at the time the passage is taken. We

were influenced in the decision in regard to the qualifying age by the knowledge that it was the tendency for members of the Asian staff to marry at a comparatively younger age than members of the European staff.

(4) *Quarters.*

We recommend that :—

Officers who, on the appointed date, are not entitled by their agreements to free quarters or to an allowance in lieu should, if allotted Government quarters, be called upon to pay a rental at the rate of 5 per cent of the actual salary drawn when that salary does not exceed £194 per annum; of 7½ per cent when the salary exceeds £194 per annum and does not exceed £288 per annum; and of 10 per cent when the salary exceeds £288 per annum.

Provided that when officers are issued with a tent, caravan or other temporary shelter no rental be charged thereon.

(Note: In every case we consider that Government should have the right to order an officer to occupy Government quarters.)

(5) *Medical Attendance.*

We recommend that medical attendance on an officer's wife and family should follow the regulations approved in the case of the European Local Civil Service.

(6) *Travelling and Motor Allowances.*

We endorse the Biss Committee's recommendation that travelling and motor allowances should be governed by the general regulations ruling at the time.

(7) *Acting Allowances.*

We endorse the Biss Committee's recommendation regarding the non-payment of acting allowances.

(8) *Letter of Appointment.*

We recommend that a Letter of Appointment should be issued based on that to be issued in the case of the European Local Civil Service, in which should appear a clause that removal of the holder from the Service should be within the power of the Governor.

Appointees should in the first case be issued with a Letter of Temporary Appointment only.

(d) *Special Grade.*—

In our opinion the Special Grade posts should be limited in number and to duties carrying special responsibility and should be restricted to officers of exceptional merit and capacity.

We do not consider it necessary to lay down any standard of qualifications for entry into this grade.

(3) *Leave.*

We recommend that leave should be granted on the following basis:—

Local ... 14 days per annum.

Vacation ... 22 days annually to which may be added the last 14 days local leave due; all leave to be inclusive of the voyages and no officer to be absent from duty for more than 150 days.

(Note: Influenced by their desire to maintain a fair relationship between the conditions to be introduced as between the European and Asiatic Services, the Board have recommended some increase in the amount of leave suggested by the Biss Report which envisaged a grant of seven days' local leave per annum and three months' vacation leave after six years' service. They consider, therefore, that their recommendation is a reasonable one because after a normal period of duty, an Asian officer would have earned 146 days' leave from which must be deducted twenty-two days for the period of the return voyage to India leaving a balance of 124 days to be spent in India as compared with the 122 days in England earned by an officer of the European Local Civil Service after a normal period of duty on his part.)

(3) *Passages.*

On the analogy of the European Local Civil Service we recommend that:

- (i) An officer should be considered to have earned in respect of each year of residential service 16½ per cent of the cost of a return passage in accordance with current passage regulations, provided that when an officer is ordered to proceed on leave overseas on medical grounds he should be granted a free passage.
- (ii) A family passage allowance of £8/10 each way should be granted once during each period of six years to married officers who have attained the age of twenty-five years at the time the passage is taken. We

were influenced in the decision in regard to the qualifying age by the knowledge that it was the tendency for members of the Asian staff to marry at a comparatively younger age than members of the European staff.

(4) *Quarters.*

We recommend that:—

Officers who, on the appointed date, are not entitled by their agreements to free quarters or to an allowance in lieu thereof, if allotted Government quarters, be called upon to pay a rental at the rate of 5 per cent of the actual salary drawn when that salary does not exceed £194 per annum; of 7½ per cent when the salary exceeds £194 per annum and does not exceed £288 per annum; and of 10 per cent when the salary exceeds £288 per annum.

Provided that when officers are issued with a tent, caravan or other temporary shelter no rental be charged thereon.

(Note: In every case we consider that Government should have the right to order an officer to occupy Government quarters.)

(5) *Medical Attendance.*

We recommend that medical attendance on an officer's wife and family should follow the regulations approved in the case of the European Local Civil Service.

(6) *Travelling and Motor Allowances.*

We endorse the Biss Committee's recommendation that travelling and motor allowances should be governed by the general regulations ruling at the time.

(7) *Acting Allowances.*

We endorse the Biss Committee's recommendation regarding the non-payment of acting allowances.

(8) *Letter of Appointment.*

We recommend that a Letter of Appointment should be issued based on that to be issued in the case of the European Local Civil Service, in which should appear a clause that removal of the holder from the Service should be within the power of the Governor.

Appointees should in the first case be issued with a Letter of Temporary Appointment only.

(9) Discipline.

We recommend that in all cases of discipline the authority in staff matters should lie in the Governor.

(10) Age of Retirement.

We endorse the opinion of the Biss Committee that officers should be able voluntarily to retire, and that Government should be able to call upon officers to retire, at the age of fifty years. In our opinion officers should in any case retire not later than the age of fifty-five years.

In the case of women officers the Board consider that the normal retiring age should be forty-five years.

10. In regard to women officers we endorse Recommendation VII of the Board's Fourth Interim Report on the European Local Civil Service, which was as follows:—

"(i) Married women should not be selected for appointment unless in exceptional circumstances such as (a) where a man and wife are required for, e.g., superintendence of an institution; or (b) where the public interest demands the selection of a person with particular qualifications and the only suitable candidate is a married woman.

(ii) A woman officer in the Service should be called upon to tender her resignation on marrying. The question of her further employment on a purely temporary basis being at the discretion of Government."

11. On the analogy of the European Civil Service Provident Fund Ordinance, 1934, and for the same reasons, we recommend that a similar Ordinance should be enacted so as to provide for the Asian Local Civil Service.

At Appendix III is a draft Bill to give effect to this proposal.

In this draft Bill the following departures from the European Civil Service Provident Fund Ordinance, 1934, will be observed.

Clause 1, 2 and 3.—Delete the word "European" and substitute "Asian" wherever the former word appears.

Clause 5 (b).—Delete the word "eighteen" and substitute "seventeen" in conformity with Recommendation VII (i) of this Report.

(d) Delete the word "fifty" and substitute the words "forty-five".

(e) Delete the word "five".

(Note: The amendments to sub-section (d) and (e) above are in conformity with the Board's endorsement of the Biss Committee's Report that officers should be able voluntarily to retire at fifty years—*vide* Recommendation X (10) of this Report.)

(f) Delete the words "one hundred and fifty" and substitute "ninety" to conform with Recommendation III of this Report—£90 being the minimum of the scale recommended for Grade II of the Clerical Grades.

(g) For the words "European Officers' Pensions Ordinance, 1927" substitute "Non-European Officers' Pensions Ordinance, 1932".

Clause 7.

(1) (d) Delete the word "five".

See Clause 5 (d) and (e) *supra*.

(1) (e) Delete the word "fifty" and substitute "forty-five" in conformity with Recommendation X (10) of this Report which lays down a retiring age of forty-five years for women officers.

(4) Line 8.—Delete "fifty" and substitute "thirty".

We consider £90 an adequate sum to be advanced by the Treasurer to give relief to the dependants of a deceased officer.

Clause 10.—Add: Provided that if a contributor is retired in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the Department to which he belongs, a gratuity may be granted after continuous satisfactory service of not less than seven years.

(Note: This proposed clause reproduces the terms of Regulation 15 (1) (a) of the European Officers' Pension (Consolidation) Regulations, 1930. In this connection paragraph 14 of the Second Interim Report of the Civil Service Board reads:—

"We have examined the question of the need for super-imposing a gratuity based on the lines of the Railway Provident Fund, i.e., after 15 years' satisfactory service a gratuity of half a month's salary for every year of service, or on the lines of the

Recommendation XI. Women officers.

Recommendation XII. Provident Fund.

Appendix III.

present Government regulations, i.e., one week's salary for each year of service, subject to the minimum qualifying period laid down in the European Officers' Pensions (Consolidation) Regulations, Regulation 15, viz., on retrenchment after not less than seven years or on retirement in any of the cases set out in section 7 of the Ordinance after 15 years, and we have come to the unanimous conclusion that a gratuity should be granted, based on the present Government Regulations applicable to non-pensionable appointments."

We are in entire agreement with this and have accordingly made the necessary addition to Clause 10.

We note that notwithstanding the terms of paragraph 14 of the Second Interim Report of the Civil Service Board in the European Civil Service Provident Fund Ordinance, 1934, provision for the payment of a gratuity for less than 15 years' service is not made and we venture to suggest that this omission, if it was an inadvertent one, should be rectified.

12. On the assumption that the new service will be brought into effect on the 1st January, 1935, and on the further assumption that our Provident Fund proposals are approved, the cost to Government in 1935 is estimated to be —

Recurrent cost (Government's yearly contribution)	£2,200
Non-recurrent cost (Government's contribution under clause 6 of draft Ordinance in respect of arrears, without interest)	£11,000

The Board is not in a position to estimate what the direct annually recurrent commitment is likely to be at any point beyond the immediate future, but it will be obvious that the budgetary provision must progressively increase according as the 800 Asian officers now enjoying "free" pension privileges retire and are replaced by officers who will come under Provident Fund conditions. This increase, however, will be more than balanced by a decrease in Government's deferred pension liability for the reason that the rate of contribution which it is proposed that Government should make to the Fund, is, as a percentage of salary, on a lower level than the rate estimated to meet the year by year cost of Government's present deferred "free" pension liability.

12. Once again the Board desire to place on record their high appreciation of the services rendered by the Secretary, Mr. R. C. M. Wood. Acknowledgment.

T. FITZGERALD, *Chairman*,
 C. J. J. T. BARTON,
 H. J. WEBSTER,
 E. M. LEY,
 *R. A. OLIVER. } *Members.*

R. C. M. WOOD,
Secretary.

17th September, 1934

APPENDIX I

NOTE.—Figures in heavy type indicate Efficiency Bar.

Years	BISS PROPOSALS		BOARD'S PROPOSALS	
	Grade	Salary	Grade	Salary
1	C. (£90 by 6 to 132)..	£ 90	II. (£90 by 8 to 146 by 12 to 230 by 10 to 240) ..	£ 90
2		96		98
3		102		106
4		108		114
5		114		122
6		120		130
7		126		138
8		132		146
9		144		158
10	B. (£144 by 9 to 225)..	153	I. (£252 by 12 to 300)	170
11		162		182
12		171		194
13		180		206
14		189		218
15		198		230
16		207		242
17		216		254
18		225		276
19	A. (£240 by 12 to 300)	240	Special (£318 by 18 to 372 by 18 to 408)	288
20		252		300
21		264		318
22		276		336
23		288		354
24		300		372
25		318		390
26		336		408
27		354		
28	372			
29	390			
30	408			

APPENDIX II

SCALES OF SALARY FOR NON-CLERICAL POSTS

NOTE.—Figures in heavy type indicate Efficiency Bar.

POST	Present Scale	BISS Proposals	Board's Proposals	Notes	
ADMINISTRATION— Market Master	£102	£106 fixed	£106 fixed		
AGRICULTURE— Mechanic Veterinary Inspector Veterinary Assistant Agricultural Assistant	£135-9-264 15-264 £200-10-428 £200-12-300 £218-0-300 £218-12-300	£114-9-225 £114-10-225 £114-12-225 £114-12-300 £114-12-300	£146-12-230 £318-18-372 18-408 £230-10-240-12-300 £182-12-230 10-240-12-300	(i) £465-15-600 (ii) £465-18-372 18-408 (iii) £465-12-300-10-240-12-300 (iv) £130-8-146-12-182 (v) £90-8-122 £146-12-230 10-240-12-300	Women officers 80 per cent of these scales. At present designated "Draughtsman."
EDUCATION— Education Officer	£490-15-600 £200-18-425 £180-12-300 £120-9-180	Clerical Scales Clerical scales			
Sub-draughtsman	£216				
FOREST— Assistant Forester	£120-12-240	(i) £144-9-225 (ii) £106-6-132	(i) £146-12-230 (ii) £106-8-136		
JUDICIAL— Process Server	£30-4-112	£90-6-132	£90-8-130		

SCALES OF SALARY FOR NON-CLERICAL POSTS

NOTE.—Figures in heavy type indicate Efficiency Bar.

POST	Present Scale	Bids Proposals	Board's Proposals	Notes
MEDICAL—				
Issuer of Medical Stores	(i) £228-12-300 (ii) £90-4-120-126-6-162-168-9-216-228-12-300	£144-9-225-9-252	£146-12-230-10-240	
Assistant Surgeon	£360-18-420	£372-18-408	£372-18-408	
Sub-assistant Surgeon	£240-12-300	£240-12-300	£252-12-300	
Compounder	£150-12-216	£144-9-225	£146-12-230	
Laboratory Assistant	(i) £228-12-300 (ii) £90-4-120-126-6-162-168-9-216-228-12-300	Clerical Scales	(i) £252-12-300 (ii) £90-8-146-12-230-10-240	
POLICE—				
Chief Sub-inspector	£306-18-390	£318-18-372	£318-18-372	
Sub-inspector, 1st Grade	£228-12-300	£240-12-300	£240-12-300	
Sub-inspector, 2nd Grade	£210 fixed	£189-9-225	£152-12-230	
Asst. Sub-inspector, 1st Grade	£180 fixed	£144-9-189	£146-12-182	
Asst. Sub-inspector, 2nd Grade	£150 fixed	£108-6-132	£108-8-130	
Storekeeper	£126-6-162	Clerical Grade	£122-8-146-12-158	
Sergeant, 2nd Grade	£60	£60 fixed	£60 fixed	
Master Tailor	£168-9-216	£144-9-225	£146-12-230	
Armourer Grade I	£168-9-216	£189-9-225	£182-12-230	
Grade II	£126-6-162	£144-9-189	£138-8-146-12-182	
POSTS AND TELEGRAPHS—				
3rd Class Telegraph Inspector	£228-12-300	£240-12-300	£240-12-300	
Sub-inspector, 1st Grade	£168-9-216	£144-9-189-9-225	£146-12-230	
Sub-inspector, 2nd Grade	£126-6-162			
Linesman, 1st Class	£90-4-120	£90-6-132	£90-8-132	
Sub-draughtsman	£300		£146-12-230-10-240-12-300	At present designated "Draughtsman."
Tracer	£126-6-162-6-168-9-216	£144-9-189-9-225	£146-12-230	

18

APPENDIX II—(Contd.)

SCALES OF SALARY FOR NON-CLERICAL POSTS

NOTE.—Figures in heavy type indicate Efficiency Bar.

POST	Present Scale	Bids Proposals	Board's Proposals	Notes
PRINTING AND STATIONERY—				
Compositor	£312			
Compositor, Bookbinder	£228-12-300, 150-12-216			
Headman (Compositor, Bookbinder, etc.)	£223-12-264	Clerical Grades, except 3 Headmen at £318 fixed	Head Compositor, Head Bookbinder £240-12-300	
Operatives (Compositor, Machine Bookbinder)	£168-9-216, 126-6-162, 90-4-120		Operatives Grade I, £146-12-218 Grade II, £90-8-146	
PRISONS—				
Master Tailor	£168-9-216	£144-9-225-9-252	£146-12-230	
Master Carpenter	£168-9-216	£144-9-225-9-252	£146-12-230	
PUBLIC WORKS—				
Sub-draughtsman	£168-9-216-228-12-300	£144-9-225-228-12-300	£146-12-230-10-240-12-300	
Sub-surveyor	£228-12-300	£240-12-300 with prospects of promotion to Special Grade	£146-12-230-10-240-12-300	
Sub-foreman	£168-9-216-228-12-300	£144-9-225	£146-12-230	
Sub-overseer	£228-12-300	£240-12-300 with prospects of promotion to Special Grade	£146-12-230	
Motor Mechanic	£168-9-216-228-12-300	£144-9-225	£146-12-230	
SURVEY AND REGISTRATION—				
Sub-draughtsman	£228-12-300	£240-12-300	£146-12-230-10-240-12-300	At present designated "Junior Draughtsman."
Tracer	£168-9-216	£144-9-225	£146-12-230	
Over-embossing Operator	£126-6-162	£144-9-225	£146-12-230	

19

APPENDIX III

DRAFT OF

AN ORDINANCE TO ESTABLISH A PROVIDENT FUND FOR MEMBERS OF THE LOCAL ASIAN CIVIL SERVICE OF THE COLONY AND TO PROVIDE FOR CONTRIBUTIONS TO SUCH FUND BY MEMBERS OF THE SAID SERVICE AND BY GOVERNMENT.

Date of commencement

ENACTED by the Governor of the Colony of Kenya, with the advice and consent of the Legislative Council thereof, as follows:—

Short title and commencement

1. This Ordinance may be cited as the Asian Civil Service Provident Fund Ordinance, 1934, and shall come into operation upon such date as the Governor may by notice in the Gazette appoint.

2. In this Ordinance, unless the context otherwise requires—

“common service” means a service (common to the Colony and to the Tanganyika Territory or the Uganda Protectorate or to both the Tanganyika Territory and the Uganda Protectorate) part of the cost of which is reimbursed to the Colony by one or both of such dependencies;

Interpretation.

“contributor” means a person who is not prohibited from being a contributor by the provisions of section 5 of this Ordinance, and who holds an office which has been declared by the Governor by notice to be a post in the Local Asian Civil Service of the Colony, or such other post in the Civil Service of the Colony or in a common service as the Governor may by notice direct. All such posts are hereinafter referred to as “the service”;

“fund” means the Provident Fund established under this Ordinance;

“interest” shall include compound interest;

“salary” means the substantive salary payable to a contributor, but does not include any allowance or other receipts or emoluments whatsoever.

Establishment of provident fund.

3. (1) From the date of commencement of this Ordinance there shall be established a fund to be known as “the Asian Civil Service Provident Fund”, which shall consist of—

(a) contributions made by contributors;

(b) amounts payable from general revenue in accordance with the provisions of section 6 of this Ordinance.

(2) All amounts contributed or paid to the fund shall be lodged with the Treasurer to the credit of the fund in a separate deposit account. The Treasurer shall, so far as may be practicable, invest such amounts on account of the Colonial Government in trustee stocks or in securities approved by the Governor in Council.

(3) The Treasurer shall submit to the Governor as soon as possible after the thirty-first day of December in each year a full statement showing the working of the fund and all claims thereon, and containing full particulars of all transactions connected with the working of the fund.

4. Subject to the provisions of section 5 of this Ordinance—

Contributions to fund from contributors.

(1) every male contributor shall, as from the date of commencement of this Ordinance, or in the case of a contributor appointed after that date as from the date of his appointment, make contributions to the fund at the rate of five per centum per annum of his salary;

(2) every female contributor shall, as from the date of commencement of this Ordinance, or in the case of contributor appointed after that date as from the date of her appointment, make contributions to the fund at the rate of seven and one-half per centum per annum of her salary;

(3) such contributions shall be deducted monthly by the Treasurer from the salary payable to the contributor, and on being so deducted by the Treasurer shall be considered as paid into the fund on the last day of the month for which the salary was due and shall bear interest as from the first day of the month next following;

(4) a contributor shall, except when on leave prior to retirement or to the termination of his services, make contributions to the fund while on leave of absence whether on full salary or on half salary; and while on leave on half salary such contributions shall be made as if the contributor were on leave of absence on full salary. A contributor may elect to contribute in respect of any period of leave of absence without pay, and any such contributions if paid otherwise than by deduction from salary shall

bear interest as from the first day of the month next following the month in which such contributions are received into the fund.

Who are not contributors.

5. No contributions to the fund shall be made by any officer—

- (a) who has completed less than twelve months continuous service; or
- (b) who is under the age of seventeen years; or
- (c) who is a learner, or an apprentice, or who is on probation, or who is serving in an appointment which is subject to notice not exceeding one month on either side; or
- (d) whose age on appointment is forty-five years or over; or
- (e) who has attained the age of fifty years; or
- (f) whose salary amounts to less than ninety pounds per annum; or
- (g) who is pensionable under the ~~Non-European Officers' Pensions Ordinance, 1932,~~ or is otherwise eligible for pension under any other law of the Colony; or
- (h) who is a married woman.

No. 53 of 1934.

Contributions to fund from public revenue.

6. From and after the commencement of this Ordinance there shall be paid to the fund from the general revenue of the Colony to the credit of each contributor—

- (a) on the 30th June, and 31st December in each year a contribution in accordance with the scale laid down in the Schedule to this Ordinance
- (b) in the case of contributors who, prior to the date of commencement of this Ordinance, were in the service and on the said date became contributors, with out break of service, such sum as would have been paid to the fund from the general revenue in respect of each such contributor under paragraph (a) of this section if this Ordinance had been in force at the date on which such contributors first joined the service;
- (c) on the 31st day of December in each year interest calculated on the amount standing in the fund to the credit of each contributor on the last day of each month during the period of twelve months immediately preceding. Such interest shall be at the rate of not less than three per centum per annum, to be

fixed by order of the Governor in Council for the first year of the operation of this Ordinance within three months from the date of commencement of this Ordinance and thereafter not later than the 31st day of March in each year, and shall on the 31st day of December in each year be added to and become part of the principal:

Provided that such interest shall not be allowed for broken periods of a month:

Provided further that when a contributor's account is closed during the course of any year such interest shall be calculated to the end of the month preceding the date on which the account is so closed.

7. (1) A contributor who retires or resigns from or is removed on grounds other than misconduct from the service shall, on such retirement, resignation, or removal, as the case may be, be paid from the fund a sum equal to the aggregate of the contributions made to the fund from general revenue under section 6 of this Ordinance on his behalf, together with interest thereon:

Rights of contributors against fund.

Provided that a contributor who leaves the service before he has completed four years' continuous service as a contributor, unless he so leaves the service—

- (a) on the abolition of his office;
- (b) on compulsory retirement for the purpose of facilitating improvement in the organization of the Department to which he belongs, by which greater efficiency or economy can be effected;
- (c) on medical evidence to the satisfaction of the Governor that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (d) in the case of a male contributor on attaining the age of fifty years; or
- (e) in the case of a female contributor on attaining the age of forty-five years.

shall have no claim to receive from the fund a greater sum than the aggregate of the contributions made by him, with interest thereon.

(2) A contributor who, having been a contributor to the fund, is subsequently appointed to a pensionable office without break of service, shall be paid from the fund the aggregate

amount of the contributions made by him to the fund with interest thereon but shall not receive any part of the contributions made from general revenue on his behalf or interest thereon. The amount of such contributions from general revenue, with interest thereon, shall be repaid to general revenue.

(3) A female contributor who marries while in the service shall on such marriage be paid from the fund a sum equal to the aggregate of the contributions which she has made to the fund together with interest thereon, and shall in addition be entitled to any contributions made to the fund from general revenue under section 6 of this Ordinance on her behalf, together with interest thereon, provided that a female contributor who marries while in the service before she has completed four years' continuous service as a contributor shall on such marriage be paid from the fund a sum equal to the aggregate of the contributions which she has made to the fund, together with interest thereon, and shall in addition be entitled to any contributions made to the fund from general revenue under section 6 (a) of this Ordinance on her behalf together with interest thereon. A female contributor shall cease to be a contributor to the fund with effect from the end of the month immediately preceding her marriage.

(4) On the death of a contributor there shall be paid from the fund to his legal personal representative a sum equal to the aggregate contributions made to the fund by the contributor with interest thereon together with any contributions made from general revenue under section 6 of this Ordinance on his behalf together with interest thereon:

Provided that the the Treasurer may make advance not exceeding thirty pounds in any one case to meet the expenses of the funeral of the deceased, or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Treasurer such relief is required; and any such payment made by the Treasurer shall be valid and effectual against any demand made upon the Treasurer or the Government by any other person in connexion with such payment.

- (a) on the death of a contributor; or
- (b) on the termination of the service of a contributor, whether by retirement, transfer to the public service of another dependency; or otherwise; or
- (c) on the marriage of a female contributor.

his account shall be credited with interest up to the end of the month previous to the date of such death, termination, retirement, transfer, or marriage, and a notice stating the amount standing to the credit of the contributor shall be given to the person entitled to receive payment or to the contributor, as the case may be.

8. If a contributor is dismissed from the service for misconduct or if he shall leave the service otherwise than in accordance with the regulations for the time being in force governing his appointment in the service, the Governor may withhold all or any part of the contributions made to the fund from general revenue or the interest thereon.

Dismissal of contributor.

9. Any sums due to Government by a contributor—

Sums due to Government.

- (a) on his death; or
- (b) on the termination of his services, whether by retirement, transfer to the public service of another dependency or otherwise; or
- (c) on the appointment of the contributor to a pensionable office,

may be deducted from the amount then standing to his credit in the fund.

10. In addition to any payment from the fund to which a contributor may have a claim under the foregoing provisions of this Ordinance it shall be lawful for the Governor in Council to grant from the public revenues of the Colony to a contributor who retires from continuous satisfactory service of not less than fifteen years a gratuity not exceeding the amount of one week's salary, based on the salary drawn at the date of retirement, for each completed year of service.

Gratuities to contributors.

Provided that if a contributor is retired in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the Department to which he belongs, a gratuity may be granted after continuous satisfactory service of not less than seven years.

11. No moneys while in the fund and no rights acquired by a contributor under this Ordinance shall, while such contributor is in the service, be assignable or transferable or liable to be attached, sequestrated, or levied upon or in respect of any debt or claim whatsoever other than a debt due to the Government of the Colony.

Payment from fund not assignable.

12. The Governor in Council may make regulations for the management of the fund and generally for carrying into effect the provisions of this Ordinance.

Power to make regulations.

SCHEDULE.
CONTRIBUTIONS TO BE MADE FROM GENERAL REVENUE ON
THE 30TH DAY OF JUNE AND THE 31ST DAY OF DECEMBER
IN EACH YEAR.

(Section 6 (a) of the Ordinance.)

MALE CONTRIBUTORS.

- | | |
|--|---|
| <p>A.—In respect of continuous service up to and including the tenth year:</p> | <p>A sum equal to the aggregate of the contributions made by the contributor to the fund during the period of six months immediately preceding the date of payment.</p> |
| <p>B.—In respect of continuous service after the tenth year of service and up to and including the twentieth year:</p> | <p>A sum equal to 150 per centum of the aggregate of the contributions made by the contributor of the fund during the period of six months immediately preceding the date of payment.</p> |
| <p>C.—In respect of continuous service after the twentieth year:</p> | <p>A sum equal to twice the aggregate contributions made by the contributor to the fund during the period of six months immediately preceding the date of payment.</p> |

Provided in cases B and C that if the length of continuous service of a contributor reaches ten or twenty years, as the case may be, during the course of the period of six months immediately preceding the date of the next payment, the higher rate of contribution to be made from general revenue shall apply only to contributions made by the contributor in respect of service subsequent to the completion of ten or twenty years' continuous service, as the case may be.

FEMALE CONTRIBUTORS.

An amount equal to the aggregate of the contributions made by the contributor to the fund during the period of six months immediately preceding the date of payment.

SCHEDULE.

CONTRIBUTIONS TO BE MADE FROM GENERAL REVENUE ON
THE 30TH DAY OF JUNE AND THE 31ST DAY OF DECEMBER
IN EACH YEAR.*(Section 6 (a) of the Ordinance.)*

MALE CONTRIBUTORS.

- A.—In respect of continuous service up to and including the tenth year:
- A sum equal to the aggregate of the contributions made by the contributor to the fund during the period of six months immediately preceding the date of payment.
- B.—In respect of continuous service after the tenth year of service and up to and including the twentieth year:
- A sum equal to 150 per centum of the aggregate of the contributions made by the contributor of the fund during the period of six months immediately preceding the date of payment.
- C.—In respect of continuous service after the twentieth year:
- A sum equal to twice the aggregate contributions made by the contributor to the fund during the period of six months immediately preceding the date of payment.

Provided in cases B and C that, if the length of continuous service of a contributor reaches ten or twenty years, as the case may be, during the course of the period of six months immediately preceding the date of the next payment, the higher rate of contribution to be made from general revenue shall apply only to contributions made by the contributor in respect of service subsequent to the completion of ten or twenty years' continuous service, as the case may be.

FEMALE CONTRIBUTORS.

An amount equal to the aggregate of the contributions made by the contributor to the fund during the period of six months immediately preceding the date of payment.