

Chapter 8: Towards Freedom

The winds of political change are blowing all over the colonial territories and Fiji cannot hope to remain unaffected.

A.D. Patel, 1963

Won't it be better if we thought less of our race and more of our nationality?

A.D. Patel, 1964

'Independence will surely come to Fiji, if not today, tomorrow, or in two or four or ten years time, whether we wanted independence or not,' said A.D. Patel in 1964. 'But what kind of independence should we have?'¹ That was the main issue which occupied Patel for the remaining five years of his life. The inevitability of independence seems so obvious now, the pattern of decolonisation of the Pacific so clearly discernible, the dismantling of colonialism so inevitable, but it was not so in the early 1960s, when it provoked heated debate and acrimony in Fiji. Patel's quest was seen by his opponents as yet another of his crafty schemes to rid Fiji of the British. Ratu Kamisese Mara, ascendant Fijian leader and independent Fiji's first Prime Minister, was less enthusiastic. 'We are not as stupid as that' [to ask for independence], he told the American reporter Homer Bigart in 1961. 'What would we get out of it? We can't even pay for our own food. We would have to pay for everything. There would be no advantage in independence.'² One must not tear down old houses before building new ones, Mara advised. A correspondent to the *Volagauna* put the same thoughts in a different way: 'The desire for prompt independence is similar to a young boy who wants to get married when he is not self-supporting. It is obvious that he will get married when he is well off. Similarly the time of independence will come but all the necessities for good independence are not in hand yet.'³

Patel disagreed. 'Who does not want to be free? Even birds and animals want to live in freedom. It's the British colonialists who do not want us to be free.' As far as he was concerned, Fiji was ready for independence. 'People of Fiji compare their lot with that of the people of Hawaii and do not fail to observe the vast contrast. When Fiji is compared with Samoa which now stands on the threshold of independence, the contrast becomes even more glaring.' Patel advised government officials 'not bury their heads in sand ostrich-fashion and pretend that [the] people of Fiji want no political changes. It is often said that

1 *Jagriti*, 16 November 1964.

2 Reprinted in *Fiji Times*, 10 January 1961.

3 *Vohgauna*, 11 October 1963.

Fiji will be the last colony to go out of the British Empire. That may be so. But it may not be very long before she goes.’⁴ Patel was closer to the currents of international thinking than his political opponents.

The United Nations General Assembly had passed a resolution on 14 December 1960 which had defined colonial domination as a denial of fundamental human rights and contrary to the charter of the United Nations. It was accepted that all peoples had the right to self-determination which entitled them to determine their political status. ‘Inadequacy of political, economic, social and educational preparedness should never serve as a pretext for delaying independence.’ The tension between these opposing views, the desire for independence or at least some change towards a greater degree of internal self-government on the one hand, and the reluctance or even fear to contemplate it on the other, dominated the public debate in the 1960s.

Patel’s standing and prestige in the Indian community had soared after his performance during the Commission of Inquiry. Soon after the report came out, the cane growers realised how harmful Eve’s formula was for them; even those who had signed the 24th of July Agreement agreed. Inevitably, perhaps, the strike became the central issue in the 1963 election campaign for the Legislative Council. This was the first time since 1953 that Patel was contesting an election. It was a historic election in many respects.⁵ For the first time the Fijian people were given full, universal franchise; before then, it may be recalled, all Fijian members of the Legislative Council were nominated by the Great Council of Chiefs and appointed by the Governor. And, for the Indian community, it was the first time a quasi-political party was sponsoring candidates. That party was the Citizens Federation, the political wing of the Federation Committee. It was a rudimentary organisation, without a constitution or a manifesto or a platform, beyond the rhetorical pledge to promote ‘economic, cultural and political progress and stability,’ with ‘trusted, proved, able and valiant leaders,’ who would work together to create a united Fiji. The Federation, its leaders said, ‘will stand for amity and equality of all sections of the community.’ The party would ‘of course, uphold the legitimate interests of the Indians but at the same time will work with the same fervour for the interests of Fijians, Europeans, Chinese and all others in Fiji.’ Its approach would be ‘straightforward, open and constructive.’ The more interesting point is that for the first time a team was being offered to the electorate rather than individuals standing on their own.

Federation candidates for the election were Patel himself, Siddiq Moidin Koya and James Madhavan. It was an attractive and unique slate of a Hindu, a Muslim and a Christian, all three standing on the same platform for one political party,

⁴ *Pacific Review*, 11 February 1960.

⁵ For one study of this election, see Meller, 1968.

the representative party, it hoped, of all Indian people. Patel did not want to stand for the election, saying that people would once again accuse him of using the strike to gain political mileage for himself. That was the reason why he did not contest the election in 1960 even though both B.D. Lakshman and James Madhavan had offered to withdraw their nomination from their respective constituencies if Patel decided to stand. In 1963, his nomination papers were prepared reportedly without his prior knowledge by M.K. Pillay and Swami Rudrananda. When Patel found out, he went straight to the Swami who had agreed to take the responsibility for the surreptitious action. Swamiji was blunt: 'Look Patel, whenever the public needs you, you are there. The public cannot do without you, and you cannot do without the public. You have no choice but to stand.'⁶

Koya had risen to public prominence during the Eve Commission hearings. He was born in Ba in a prominent Malayali Muslim family. After primary education – he never attended secondary school – he worked as a clerk in S.B. Patel's Lautoka law firm and later for Tulsi Ram Sharma. From there he went on to Auckland University and then to the University of Tasmania to obtain his law degree. The University of Tasmania for some odd reason trained a disproportionately large number of Fiji's earlier generation of lawyers. During the 1950s, Koya was an active member of the Kisan Sangh, as many prominent Ba families were, but he switched to the Patel camp later that decade, encouraged by his father, Moiddin Koya, who had known and admired Patel for a long time and whom Patel had successfully defended in a serious criminal trial.

Siddiq Koya was one of those who had persuaded Patel to lead the cane growers in the negotiations with the CSR. At public meetings, Patel praised Koya for the enormous amount of work he had done during the hearings. Koya had passed the *agni pariksha*, the test of fire, Patel said, and was a great asset to the Indian community. A big, burly man, emotional and ebullient, a good criminal lawyer, and a rousing, chest-thumping, no holds-barred orator, Koya could always be counted upon to work a crowd, to give masala (spice, punishment) to his opponents. He was the perfect lieutenant for the cool, analytical Patel. After Patel's death, Koya would inherit the leadership of the National Federation Party, though not Patel's authority or his unchallenged mastery of the party machinery. James Madhavan was a prematurely grey haired South Indian Christian, a primary school teacher, a modest, moderate man well known for his selfless community work. He had first entered the Legislative Council in 1947, and served continuously until his death in 1973.

All three Citizens Federation candidates were elected to the Legislative Council, though Koya and Madhavan after particularly gruelling campaigns. Madhavan's

6 Communication with M. K. Pillay.

opponent in the Northern Division was Harish Chandra Kohli, a wealthy, India-born Labasa lawyer who had been endorsed by the Kisan Sangh. Madhavan polled 2,756 votes to Kohli's 2,154. Koya's opponent in the north-western Viti Levu Indian seat was James Shankar Singh. An insurance agent, Singh came from a very large and influential Kisan Sangh-supporting clan in Ba. He was expected to defeat Koya handily. In this campaign, as in many others before and since, religion was used as an issue. Singh was an Arya Samaji who had converted to Christianity, whereas Koya was a Muslim. Shafiq Koya, Siddiq's elder brother, told me an interesting anecdote about how Patel responded to the campaign call for all Hindus to rally behind Singh. How could a Muslim be elected from a predominantly Hindu electorate? Without referring to Singh directly, Patel began a campaign speech by telling the audience about what he had been told. Then he said, *'Janab Koya Musalman to hain, yeh sahi hat, par apne dharam par we atal hain, badle to nahin.'* ['Yes, Mr. Koya is a Muslim it is true, but at least he has remained true to his faith.'] By implication, Singh had betrayed his community by converting to Christianity. Religion did not surface as an election issue again. But Ba was Ba, the heartland of proud, wealthy landowning families, supporters of the Arya Samaj and the Kisan Sangh. It was not surprising then that the campaign was tense with occasionally frightening incidents of violent clashes between supporters of the two rival factions. Still, in the end, Koya defeated Singh, though only by a narrow margin of 3,998 votes to 3,480.

Patel's own seat attracted even more interest, for the election was seen as nothing less than a referendum on his role in the 1960 strike. Making the contest even more interesting was the fact that Patel's opponent was none other than the president of the Kisan Sangh, Deo Sharma, a Fiji-born North Indian lawyer based in Patel's home town of Nadi. But Sharma proved no match for Patel. He was young and inexperienced. Why hadn't Sharma appeared for the Kisan Sangh before the Eve Commission, instead of D.M. MacFarlane, people asked? What was his record of public service? Sharma said that the real reason why people were suffering was because Patel had stubbornly refused to sign the 24th of July agreement. Patel was not really interested in the welfare of the farming community, he told his campaign rallies, being bent on mortgaging their future to the Gujarati shopkeepers. That was his sole hidden agenda.

Patel was a stubborn man, *'jiddi,'* his opponents said, who would not budge even though he knew he was not going to win. Was Patel stubborn? Patel himself did not think so, and he confronted this accusation by citing, as was his wont, religious texts. At one meeting he said 'Rama went to forest to fulfil his father's promise to his (Rama's) step-mother (Keykei). He was not commanded by his father to go to the forest. After the death of his father, the three wives of his father, including the step mother and her son, Bharata, for whom she

wanted the crown, went to Rama and requested him to return to the capital and assume the reign of the kingdom. The mothers, brothers, the royal family priest and preceptor, state ministers and all the citizens beseeched Rama. But he refused for he wanted to fulfil his father's word. This is not obstinacy, though requested by all. Rama was standing for a principle.' He quoted a passage from the *Mahabharata*, where Duryodhana refused to follow what he knew to be the right path. That, Patel said, was obstinacy. Patel was comparing himself to Lord Rama and the great sages of India, his opponents said. It was all reminiscent of the election campaign of 1937 when Patel had said that many of the people in the indenture days were born in the cane fields because of the oppression of the CSR. That remark, it will be recalled, had been twisted and used against Patel.

Patel's and Koya's promise to go to London, at their own expense, to present the growers' case to the Secretary of State for the Colonies was a ploy, a charade of selfless service, Sharma said. Patel's motives were suspect. The real reason was that Patel wanted to visit his sons Atul and Dhimant who were enrolled at an exclusive private school in England in 1959. Patel rejected the charge. He and Leela had visited them only a year ago, in May 1962. The reason he had abandoned his plan to go to London, Patel said, was the announcement by the Colonial Office that the Under Secretary of State for the Colonies, Julian Amery, would be visiting Fiji, and that it would be better for the growers to present their case to him in the colony itself. Amery did not come to Fiji to solve the sugar dispute, Sharma said, but his opponents countered that Amery spent more time discussing problems in the sugar industry than any other issue. And so the campaign went. In the end, Patel defeated Sharma by one of the biggest margins in the 1963 elections, winning 6,244 votes to Sharma's 3,346.

The third candidate in the western constituency, Mahadev Singh, got only 72 votes. So, A.D. Patel entered the Legislative Council in 1963, after an absence of thirteen years. He would dominate its proceedings for the rest of the decade. When Patel spoke, people listened. Ratu William Toganivalu, perhaps echoing the feeling of many members of the Council, said that he listened carefully whenever Patel was on his feet. He did this out of respect for Patel as the senior member of the Council. 'He was here when my father was a member of this House many years ago.' And he listened carefully and intently because 'I am learning something from the eloquent way in which he delivers his address. There is magic in his delivery.' Patel's mastery of parliamentary procedures, his impressive command of detail, enormous powers of concentration, facility with the English language, and a cool, analytical approach made him an outstanding debater.

A.D. Patel's maiden speech in the Legislative Council on 23 August 1963 provides as good an example as any of Toganivalu's point.⁷ The Traffic Amendment Bill had been introduced to limit the number of taxi licenses issued to local operators, to curb 'the overcharging, touting, cut-throat competition and extra-curricular activities' of taxi drivers. Patel opposed it, as also did Ratu Mara. Patel called the Bill wrong in principle and, if enacted into law, harmful in practice. The taxi industry was not the only industry which was facing the problem of overcrowding and competition. 'Now suppose tomorrow the cafe owners came before this Council with a request, 'Please limit the number of cafes in this Colony;' the shoemakers coming with the request to limit their number, and farmers coming, with far more justification, to limit their numbers because of shortage of land and pressure on land, and the labourers, who are last but not the least, coming with a similar request to limit their number as far as that particular employment is concerned.'

What would be the result? 'It would only mean this: instead of living in an open society, in a free society, we will all be going towards a closed society with advantages for few, disadvantages for many.' If enacted into law, the Bill would create more problems than it would solve, Patel went on. How? 'It would harm the public; it will affect business people who are selling their vehicles; it would affect mechanics in the Colony; it would affect the livelihood of drivers.' To the argument that the bus industry was controlled by the Transport Control Board and that a similar body could control the taxi industry, Patel reminded the Council of the essential difference between the two. Buses served the community, while taxis served individuals. 'The passengers have no choice as regards the time when they can get on the bus; they will have to wait for the bus to arrive. They have no choice as to who their fellow passengers will be; they have to take the passengers in the bus as they come. They cannot direct the bus to drop them where they like; they have got to get down at the appointed station and at the appointed terminal. And, they cannot make buses wait; they have got to wait for the buses.' But with taxis, it was a completely different story. 'You can order it and use it at any time for the services that you require. You can take it as long as you like, you can make it pick you up from anywhere and you can make it drop you anywhere you like.' Service of this personal nature was important to the people of Fiji, Patel went on, and public consideration should be uppermost in considering the Bill. Limiting the number would not benefit the public. 'Competition is the essence of efficiency and good service.' Healthy competition, regulated by law, was the best public policy for Fiji, Patel argued.

What guarantee was there that limiting the number of taxis in the industry would curb touting and other extra-curricular activities of the drivers? Patel asked. 'Limiting the number does not set the wrong right. It is competition

7 This speech and others quoted later can be found in the Hansard of the Legislative Council.

which will bring about things that the public require in taxi service; passengers want their taxi driver to be an honest man, a courteous man and a very competent driver in whose hands they can trust their life and limb. What the individual requires is some comfort and safety as far as the vehicle is concerned, and that can only be brought about by competition, not by laying down rules and limiting the number.' The Transport Control Board wanted to take upon itself the responsibility to safeguard the interests of the general public, and ensure a reasonable standard of living for those engaged in the industry. 'Who is going to decide what is the reasonable standard of living for any particular industry? I think in every industry we have to leave it to the individuals who are engaged in it, and to the economic conditions prevailing in the industry, as well as outside. It is the natural law of supply and demand which determines the standards of living in that particular industry.' The imposition of control encouraged evasion, subterfuge and dishonesty Patel suggested. And the Bill vested too much power in the hands of one body, the Transport Control Board, from whose decisions there was no appeal. The Bill gave the Board the power to increase or limit the number of licenses issued. But the government was being disingenuous. The words 'to increase' were 'superfluous and redundant,' Patel said; to 'limit' was the real gist of the bill. 'Increasing the number is not in their hands. The number can only increase if there is an increase in demand, and if people who want to enter the industry consider it is worth their while to invest the money to purchase cars and put them in the taxi industry.' And public interest was not going to be served by this action. Free and fair competition, regulated by law, was the best way forward. These words, cold in print, do justice neither to the man nor to the moment. But they do show a logical mind, fluent, flowing, in full cry.

Patel was not long in the new Legislative Council when further constitutional changes were announced by the Colonial Office. Ever since the late 1940s, Britain had been gradually increasing the degree of self-government in the colonies. By then, as we know, colonialism was being dismantled in other parts of the world, beginning with India in 1947 and in various Asian and African countries in the 1950s. In the Pacific, Samoa gained her independence from New Zealand in 1962, and Cook Islands followed in 1965. In Fiji, giving the Fijian people the right of universal franchise was the first step in the direction of constitutional change.

Once the election was over, the Governor introduced the 'Membership System,' which came into effect on 1 July 1964.⁸ It was a small but significant step in the direction of greater internal self-government. For the first time, the Executive Council had three elected members on it, all of whom were placed in charge of a group of government departments. John Falvey was appointed the Member for

⁸ Following the Secretary of State for the Colonies Despatch No. 388.

Communications and Works, which included responsibility for civil aviation, electricity, hotels, marine, meteorology, postal service and telecommunications, transport, tourism and public works. Ratu Kamisese Mara was appointed the Member for Natural Resources, being in charge of agriculture, co-operatives, crop processing, fisheries, forestry, geology, lands, livestock, marketing, mining and soil conservation. And A.D. Patel was appointed the Member for Social Services and placed in charge of cultural activities, education, health, prisons, social welfare and charitable societies. The other major portfolios were controlled by official members, by the Colonial Secretary, who was responsible for the civil service, constitutional, consular and defence matters, external affairs, immigration and emigration, labour and the police force; by the Financial Secretary who controlled banking and budget, commerce and industry, economic planning, exchange control and fiscal policy, by the Attorney General under whom came matters relating to law and order, the drafting of legislation and provision of legal advice to all government departments. There was a separate office for the Secretary for Fijian Affairs and Local Government.

Patel accepted the appointment but only on certain conditions. One concerned the nomination of the second unofficial Indian member to the Executive Council. Chirag Ali Shah was the first nominated member. The government wanted to nominate Andrew Deoki. It approved of Deoki for several reasons. Deoki had been in the Legislative Council before, he was a prominent Suva lawyer and a Methodist, so his appointment would provide a semblance of regional and religious balance among the Indian members in the Council; he was often on the opposite side of the political fence to Patel; he had been harshly critical of Patel's role and leadership in the 1960 strike; and he appeared moderate and willing to compromise in the interest of the greater good. Patel demurred with the government's proposed choice. On 11 May 1964, he wrote to Sir Derek Jakeway.⁹ Deoki was uncooperative with him and his group, Patel said, and since the proceedings of the Executive Council were of a secret nature, Deoki would get a free hand to disregard him. 'In these circumstances, Mr Deoki's appointment with me on the Executive Council will be tantamount to introducing a split *ab initio* [from the start] in the Indian representation on the Council and thereby weaken the position of Indians vis-a-vis the Fijians and the Europeans. If I am to join the government I should be sure of fullest cooperation at least from my Indian colleagues in the team and in this respect I can only be sure of Mr Madhavan and not Mr Deoki.' Deoki's selection would make little difference to the existing splits in the Indian community, Patel agreed, but he told Jakeway that if 'for some reason you decide to appoint Mr Deoki, I hope you will appreciate my difficulty and understand if I prefer to remain out of the government.' Jakeway regretted Patel's decision, he said in a handwritten

9 Patel's letter and Jakeway's reply are in Patel's private papers.

note on 30 May, but there was very little else he could do other than appoint Madhavan to the Executive Council. Deoki's political career was effectively over; he would lose the next election.

Under the membership system, the Executive Council continued to advise the Governor who decided all matters of policy. But the one important change was the assumption of collective responsibility by members of the Executive Council for the formulation and implementation of government policy. Those unable to accept the principle of collective responsibility would have to resign and be replaced by other unofficial members. All three members had direct access to the Governor, and each had a Secretary [equivalent to today's Permanent Secretary] who was in charge of the office and served as the link between the Member and the departments which came under him. Heads of departments retained full internal control of their departments, responsible to the Colonial Secretary in matters pertaining to the civil service, answerable to the Member for functional operations and to the Financial Secretary for all matters of financial administration. Patel's secretary was Kenneth Bain, an experienced civil servant who had previously served in Tonga and who would later join the Commonwealth Secretariat in London.

Along with Ratu Mara, Patel agreed to serve full-time on a salary of £3,000 a year, with a £75 monthly housing allowance, and a £275 annual constituency allowance to meet subsistence, transport and associated costs. Falvey opted for part-time appointment. Patel relocated to Suva. Patel's appointment was not surprising; it was simply an acknowledgment by the government of his leadership of the Indian community. His supporters felt proud that their leader was now sitting in the highest echelons of the government, helping formulate policy. The *Fiji Samachar* welcomed the membership system as 'the first step towards the road to independence. It should be maintained firmly.'¹⁰ But others disagreed, and criticised Patel for accepting the position in the Executive Council. Among the critics was *Kisan Mitra*, the mouthpiece of Kisan Sangh, which said that Patel 'who has never done any good to the Indians and he does not intend to do so,' has become a government servant. 'Servants will have to obey their employers. This is the set rule of the world. What can the Indians expect from a government servant for their welfare?'¹¹ *Jai Fiji* castigated Patel for accepting such a large salary without consulting his constituents.¹² This was yet another evidence of his greed.

Patel condemned the two weeklies for their criticism. Invoking religious imagery, he said that in *Ram Rajya*, there was one dhobi (washerman), who could

¹⁰ *Fiji Samachar*, 28 May 1964.

¹¹ *Kisan Mitra*, 3 June 1964.

¹² *Jai Fiji*, 7 January 1965.

not refrain from condemning a noble woman like Sita. It was not surprising that in this age (*Kaliyug*), there were two dhobis, and both of them found in Lautoka, the home of the two dailies. 'Anyone familiar with the law knows that according to the existing constitution no Indian in government employment can become a representative of the government in the Legislative Council. In the circumstances, if I was a government servant, I could not have become an elected representative of the people. I am a member of the government on behalf of the Indian community, not a servant.'¹³ The membership system was to be welcomed as a step in the right direction, Patel said. 'Today people have a say in government whereas before government had deaf ears. Now the views of the people are being considered.' 'Once we establish mutual confidence and trust amongst all groups in this House, and amongst all communities outside this House, I think the field will be cleared and we all will be in a position to make advances freely and firmly.' Financially, it was a sacrifice for him to join government. Three thousand pounds may appear a lot of money to some people, he said, but that would be no more than the fee for four court cases for him. In any case, he was not in the Legislative Council when the salary was decided by the members. The issue never came up again.

A.D. Patel was the Member for Social Services for two years. Those who worked closely with him found him courteous, astute and judicious, and developed a genuine affection for him. Aubrey Parke, sometime Secretary of Social Services, remembered him as a 'wonderful and kindly man to work for in the office, a cheerful and thoughtful travelling companion and a friendly neighbour who never minded what time of day or night I called on him.'¹⁴ This view was echoed by others who had close contact with Patel. Among them was J.G. Rodger, the long-time Director of Education in Fiji. He found Patel refreshingly different from others with whom he had worked during his long career. Rodger's recollection provides an intimate first-hand account of Patel's method of work.¹⁵ He said:

A.D. differed from his successors in two main ways. First, he had (or at least gave the impression of having) no political axes to grind. This meant he was able to look at educational ideas and problems in terms of education not in terms of votes; and because we (his senior staff in the Education Department) had been brought up to do likewise there was in fact very little friction between us. Indeed, I doubt whether we really appreciated at the time just what an introduction to the future 'ministerial system' A.D. was in fact giving us. Certainly, after he left, we initially found it very difficult to get into the habit of judging possible

¹³ *Jagriti*, 5 January 1965.

¹⁴ This letter is in Patel's private papers.

¹⁵ Personal communication.

changes in terms of political expediency—though it is surprising (or would depressing be the better word?) just how quickly we did get used to it.

The second difference related to Patel's approach to the issue of financial responsibility. As civil servants, Rodger and his senior staff had to take financial constraints into account when making major policy decisions. 'But A.D.—surprisingly, because he was a very intelligent man—seemed to regard this as a very negative and 'colonial' approach. If funds were not available for something he wanted done, there were, in his view, three obvious approaches: increase general revenue by increased taxes, etc; increase his ministry's budget at the expense of someone else's; or rob one part of the Education Department to pay another. He never got far with the first two, so the pressure was constantly on us to see if the third could be made to work—'getting our priorities straight,' was how A.D. put it.' Often Rodger and his senior staff had to decline Patel's proposed changes in priorities. 'But there is no doubt that once we started looking at things through his eyes—he was a very persuasive teacher!—our generally negative attitude became positive.' Rodger goes on:

Here's an example of the way he learned to handle us. He phoned me well before 8 one morning to ask that Max Bay (my Deputy) and I come along at morning teatime and tell me why I can't do so-and-so ('so-and-so' being his latest bright idea). It was the first time he'd used this ploy and it proved very effective, because a hurriedly-convened staff meeting at 8 am had shown me that the idea wasn't in fact nearly as impracticable as it had sounded 20 minutes earlier. When I subsequently told him how near I'd been to saying 'no' again, he smiled engagingly and said, in the nicest possible way, 'You know, Gordon, it's good for all of us to be made to think sometimes.'

Education was certainly a major interest of Patel's, as we shall see, but there were others as well. Patel was instrumental in setting up a number of projects which still exist today. D.P. Hurley, the chairman of the Housing Authority, wrote that Patel was 'involved in much of the Housing Authority's planning and operations and was the key-man in our negotiations with the Government of that time.'¹⁶

The low-cost housing which the Authority provided in Raiwaqa and elsewhere since the mid-1960s is a permanent fixture of urban development in Fiji. The prison system was constituted as a separate Prisons Service in line with other disciplined services, like the police force, and placed under the Controller of Prisons, with other senior officers appointed directly by the Governor. While

16 The letter is in Patel's private papers.

prisons ‘punished’ offenders, Patel said his ministry laid ‘great importance on the reformatory side of the prisons.’ To that end, the teaching of trades and skills was important and was to be encouraged. The Library Services of Fiji was started, and the Western Regional Library established (and opened by Patel on 20 November 1964), with branches set up at Ba, Nadi and Sigatoka. Books were also taken regularly to the islands of Viwa, Malolo and Vatulele as part of the Book Box Scheme funded by the British Council. As we know from the previous chapter, libraries and books were things that mattered greatly to Patel. These libraries still exist today. A ‘Fair Rents Bill’ was approved to control excessive rents charged for houses in urban areas.

A landmark body created during Patel’s tenure as Member for Social Services was the Fiji National Provident Fund, based on a report prepared by J.E. Ashford.¹⁷ Patel shepherded the report and the Bill through the Legislative Council. The Ashford report concluded that among the causes of poverty in Fiji were old age, widowhood, desertion or imprisonment of the breadwinner, unemployment or permanent incapacity caused by injury and sickness. The Fund would be a compulsory savings scheme for wage earners who would make periodic contributions through deductions from their wages, at one shilling per every pound earned, with matching contributions from employers. Funds would accumulate for each member until he or she reached retiring age, or it could be withdrawn because of some contingency, as such as death of the member, permanent incapacitation, emigration or marriage (in the case of women). The Fund would not only provide social security, but also act as stimulus to growth through local savings. The Fiji Industrial Workers Congress supported the measure and led a delegation to Patel. James Madhavan noted for the record Patel’s own commitment to the idea of social security. He had advocated some form of social security in the mid-1940s; now, twenty years later, his vision was being realised. This was ‘by no means a small achievement,’ Madhavan said. ‘It is a great achievement for him and for all those who think in terms of social welfare and old-age benefits and who fight against destitution of the workers of this country who have always been living hand to mouth.’

But the Fund had its critics too. The *Kisan Mitra* criticised Patel for pushing the legislation that established the Fund.¹⁸ It said that the compulsory savings of one shilling per every pound earned was too excessive for the ordinary wage earner! C.P. Singh, nominated Indian member of the Legislative Council, also rejected the proposal. The workers were already struggling: how could they be expected to make contributions to the Fund without incurring further hardships? ‘It is better to have a loaf of bread now, than to have half a loaf and

17 Debated in the Legislative Council in March 1965. A Destitute Allowance scheme was started in the 1950s for the Indo-Fijian community.

18 *Kisan Mitra*, 7 April 1965.

prepare for the future.’ Andrew Deoki shared those sentiments. Just because a similar Fund had been established in other British colonies did not guarantee its success in Fiji. ‘Our economic conditions here in Fiji are such that we cannot say that a scheme of this nature would be successful.’ He wondered how would the Workers’ Congress contribute five shillings of their wages when they said they could not pay a Basic Tax of six pennies in the pound. Patel was scathing in his reply: ‘Any person with an iota of sense can see the difference between payments straight-out as a tax of 6d in the pound and saving for a rainy day which attaches a matching contribution from an employer, which earns interest, and which gets exemption from income tax.’

As the Member for Social Services, Patel said his task was to improve the standard of living of people. Integrated development, of both human and natural resources in tandem, was the right way forward. A good standard of living meant good income, good health and good education for every citizen. If development did not reduce and wipe out poverty, ignorance and disease in an underdeveloped country like Fiji, then the development plan would fail to serve its purpose. Poverty, ignorance and disease were the three enemies of mankind, always working in concert. Poverty bred ignorance as well as disease; ignorance brought about poverty and helped disease; disease led to poverty as well as ignorance. ‘So in any development plan we have got to attack from all sides, not only physical development of the natural resources of the colony but also the development of the human element, the man power, which is the most important component of any development plan.’ Finance was critical, but not all important in the scheme. ‘Development is for man, man is not for development, and what I wish to say is that health and education are not mere social graces and declarations.’ They were important economic investments and it was, therefore, wrong to treat education and health as subjects separate and apart from economic development. ‘I know that there is a mistaken notion amongst many people in this colony, but the time has come when this sort of disillusionment [sic] should be done away with.’

‘Education has got to look ahead,’ Patel said; it should ‘precede and not keep pace with, or follow, economic development in this colony.’ Proper education was the key which opened the right doors to a bright future, but what kind of education was appropriate for Fiji? Education is always a contentious issue, a subject of perennial debate in every society. But in Fiji, there were several issues that aroused particular interest. One was the medium of instruction in schools. Many parents, particularly in the Indian community, preferred English as the medium of instruction in primary and secondary schools, and criticised the government for not doing enough to lift the standard of the language. English was the ladder to success in colonial society, and the sooner the children acquired it the better.

Patel differed. He argued his case this way: 'As far as Indians and Fijians are concerned, English is a foreign language. We should also bear in mind that in most of the areas in this colony, the only language spoken is either Hindi or Fijian...you might teach the children all the elementaries of the English language, but as soon as he goes out of the school, he has, of necessity, to give up English for the time being and use the Hindi language. The same thing happens in predominantly Fijian areas.. It is only in urban areas, townships, the town of Lautoka and the city of Suva where all the races are thrown together, that English becomes the important language (but not so important as to exclude the other two languages) in daily use. So we have to realise the circumstances, the linguistic setup in which we are trying to teach English to our children.'

Another factor to be considered was that Fijian or Hindi, or any other Indian language for that matter, was an integral part of the culture of the people. The Fijians would not be prepared to give up their culture, nor the Indian theirs. Consequently, though they would all like to learn English, they would not like to learn by sacrificing their own language. 'Just imagine expecting Fijians to perform their traditional ceremonies in the English language instead of the Fijian language. It would lose all charm and meaning. So we have to got to remember that while we want to improve English in this country, we do not want to sacrifice other languages—the languages which are the vernacular languages of the culture of the people.' English afforded people 'a window on the world,' and the standard of English needed to be improved, but not at any cost. Language of instruction was an issue on which opinion was deeply divided, but Patel's position was consistent with the stand he had taken on the issue since the 1930s: loss of language would erode the foundations of a culture.

The integration of schools was another issue that aroused considerable emotion in the colony. Some groups, Europeans especially, preferred racially segregated schools for obvious reasons. There were others who preferred multiracial schools. 'I do not like the word multi-racial because it emphasises and accentuates racialism. I would rather like to call them public schools, or call them national schools or, if you like, non-racial schools. I would like to see (and I staunchly believe) all the children in this colony, irrespective of race, or creed, being able to attend the nearest school that they can go to.' To that end, the Director of Education, in consultation with Education Advisory Councils, was authorised to close schools in certain areas to reduce fragmentation, duplication of effort, unnecessary competition, and communal segregation. 'I know that the time has come when we have to make up our minds...this is the time when we must decide; either we integrate or we disintegrate—there is no third choice.' There was still a long way to go, Patel admitted. For example, in government schools, such as the Suva Grammar School, the Director of Education was empowered to give priority to candidates of the race which was predominant on the roll of

the school, but he could, at his discretion, admit pupils of other races. And in government-aided schools, preference could be given to pupils of a particular race or creed, but no pupil could be denied admission solely on those grounds. That was the present reality, but Patel said that he was 'rather optimistic of persuading the people who control these institutions to broaden their views and accommodate children of all creeds as far as possible.' Patel's own daughter, Vasantika, was one of the first Indian children to be admitted to the Suva Grammar School. That proved that there was integration in schools in Fiji already, chimed in John Falvey. 'But one swan does not a summer make,' retorted Patel. Nonetheless, as the 1960s progressed, more non-European children entered the formerly exclusively European schools.

Early in January 1965, Patel convened a meeting of all non-government primary school managers at the Suva Town Hall to discuss removing race from names of schools (such as, say, Ba Fijian School or Nadi Indian School). The Fijian managers objected. They had their own government, they said, referring to the Fijian Affairs Board, and Patel should discuss policy matters with that body. The motion to have non-racial names for schools was defeated 90 to 73. The Fijian people at large strongly opposed Patel's suggestions of non-racial education. Said S. Saratibau of Tamavua: 'I have two reasons. Firstly our language and secondly our custom. We are going to lose both of them if this suggestion is carried out. It will not happen immediately but it will become obsolete gradually.' S. Dewa of Sewani-Serea thought that Patel's intended but unstated policy was 'to dissolve our most sacred institutions: our customs, our language, our way of life.'¹⁹

Patel was undeterred. Opening the 34th annual conference of the Fiji Teachers Union in August 1964 at the Majestic Theatre in Labasa, he urged the predominantly Indian members of the FTU to seek ways of joining hands with the Fijian Teachers Association, which was exclusively Fijian.²⁰ 'If the main profession, which is the teacher of all professions, if that is going to be divided and separated along racial lines, then where is the hope of eradicating racialism from the Colony?' he asked. 'Won't it be better if we thought less of our race and more of our nationality?' To those who felt that racial barriers could not be broken down, that there was something immutable about communal affinities, Patel responded in his own quintessential way at the Century Theatre in April 1965.²¹ 'If a young calf is kept by itself in a separate paddock for the first six months, when it is put in another paddock with other calves, it will try to break the fence and run back to its old paddock. In the same way, after ninety years of British rule in which Fijians and Indians have been kept separate, attempts are

¹⁹ *Nai Lalakai*, 28 January 1965.

²⁰ *Pacific Review*, 9 September 1964.

²¹ *Jagriti*, 8 April 1964.

now being made to bring them together. This is a matter which stuns people. They will not easily leave the paddock which they are used to. The object [should be] to breakdown the barriers and bring everyone into one paddock.'²²

Teachers had a vital role to play in that process cross-cultural bridge building, Patel said. And he urged them to constantly upgrade their qualifications through training.

Teachers needed to have pride in their profession. Addressing the 30th annual meeting of the Fijian Teachers Association, he said: 'You might encourage your members to prepare short talks, and the reviewing, criticism and discussion of them, as part of the ordinary everyday professional responsibilities. You should not regard this as the kind of activity which belongs only to research by lecturers and specialists. The professional status of your organisation will grow in proportion to the increased professional knowledge and ability of your members in the eyes of the general public as well as in the classroom. You should lose no opportunity in becoming leaders of educational thinking, development and progress in Fiji. The success of the teacher depends on the status of his profession in society. The full status of teachers will be achieved when every teacher is immensely proud of his calling. Proud, not boastful. Getting quiet satisfaction from being able to follow his calling. When every teacher is proud to teach, we won't hear so much about the status of the teacher.'²³

Patel also spoke of the need for a university in Fiji. There were many who thought this idea Utopian, expensive, unnecessary and premature. Among them was Andrew Deoki, who asked if it was right to have a university in Fiji when the government could not properly provide for the education of thousands of little children of primary school-going age. Wouldn't it be better to continue the existing system of sending students overseas on scholarship for higher education? Would a local university have the same standards as universities in Australia and New Zealand? 'Cater for the little children first and then think of university [education].' Very soon, over 90 per cent of children of school age would be attending primary schools, without compulsion, Patel said. 'Compulsory education, in itself, is not either a great thing or a wise thing.' What Patel wanted was 'universal education, and if parents are sending their children to school without any compulsion, and if the children are going to school out of their own willingness, then we can be proud of the achievement of that at least, the parents of the country are education-minded and sincerely believe in giving education to their children.' In such circumstances, making education compulsory would be redundant.

²² *Jagriti*, 8 April 1965.

²³ Manuscript of the speech in Patel's private papers.

As for standards, the proposed university, he said, would be second to none, comparable in quality to universities not only in Australia and New Zealand but to those in the United Kingdom and the United States. Sending select students abroad for higher education had its own difficulties, Patel went on: 'All children who are fit for academic or technical education will not be able to go abroad. If the government is going to send students abroad to receive higher education, it will only be a limited number. There would be students here who will not have sufficient means to go abroad to receive higher education. There would be students here whose parents would not be willing to send them out into the world in alien societies, for religious or social reasons. Sometimes students who had the qualifications were refused sponsorship simply because it was thought that they lacked the standard necessary for success in New Zealand. Having university education available locally would resolve that difficulty. 'Our problem is that many students go abroad, receive higher education, receive qualifications and then settle down outside of Fiji because they get more remunerative employment. We at present, unfortunately, are placed in such a position that our educated people have to seek employment abroad and we have to get people from other countries to fill our posts in Fiji. If we have a university here, that problem would, to a large extent, be solved. Most of the graduates, or sub-graduates that we turn out here will be looking for local employment and will fulfil local needs.' The case for a university based in Fiji needed no further elaboration.

Patel had been talking about starting a university in Fiji in the 1950s, as we have already seen. He had once raised the idea with the Government of India which had responded enthusiastically to the proposal with promises of financial and personnel support, but nothing came of it. Still, both he and Swami Rudrananda had managed, with the assistance of the Ramakrishna Mission, to start a University Tutorial College at Tailevu in May 1965. Its aim initially was to prepare students for pre-university courses—Ordinary and Advanced Levels—of the University of London and then to full-fledged undergraduate education in the Humanities, Sciences and Letters. It was an ambitious project and the idea withered away on the vine of public indifference and financial constraints, but by then the idea of a full-fledged university in Fiji was no longer a distant hope. The Higher Education Mission arrived in 1965 under the chairmanship of Sir Charles Morris, former Vice-Chancellor of Leeds University and Vice-Chairman of the International University Council for Higher Education Overseas. Its recommendation for a regional university was realised when the University of the South Pacific enrolled its first students at the former Royal New Zealand Air Force Base at Laucala Bay in Suva in February 1968. That event marks one of the most important turning points not only in Fijian but in wider Pacific islands history in the twentieth century.

There were areas and issues outside Patel's portfolio on which he spoke, and it would be tedious to repeat all of them here. However, there was one, the question of land, on which his thoughts are important. Land was one of the most contentious issues in Fiji in the post-war period, as it is still today. The creation of the Native Land Trust Board in 1940 had brought about a semblance of regularity in leasing arrangements, but for the tenants it had created new uncertainties. One of them was the reserves policy intended to protect the interests of the indigenous land owners by ensuring that 'ample land suitable for their use, maintenance or support is reserved having due regard to the natural economic development of the natives.' Large areas previously occupied by Indian tenants were placed under reserves, with the farmers moved to new and sometimes inaccessible, arid, virgin areas. Tenants wanted security and firmer protection of the law. Their anger and hurt was accentuated by the sight of their previous land falling into disuse. Patel was acutely aware of the tenants' anxiety, and their helplessness as well. In November 1964, he told a meeting of Indian farmers: 'Indians depended on agriculture, and without land, cultivation could not be carried on. We would remain landless even after the granting of independence; we would always remain tenants of others. The government would say to us: 'You have full rights in Fiji but under the Constitution, after the expiry of leases, the Fijians, if they wish, will give new leases and if they don't, they will not give them. It is their pleasure. The land is theirs.' On the other side, Fijian landlords wanted more secure returns and, over time, the opportunity to cultivate their lands themselves, which they found almost impossible to do under the existing system. They objected vehemently to the practice of their land being perpetually leased out, often without their consent.

In July 1966, the government introduced the Agricultural Landlord and Tenant Bill in the Legislative Council.²⁴ The problem of land was succinctly summed up by the committee, chaired by the Attorney General, upon whose recommendations the Bill was based. The Committee was concerned to protect the agricultural tenants against exploitation through exorbitant rents and premiums, the threat of eviction at the whim of landlords and the constant anxiety about the future caused by the insecurity of tenure. It was this fear and sense of insecurity which discouraged the tenants from investing in the land or in building proper houses or installing other agricultural fixtures. There was every incentive for the tenant to 'mine' the land in the quickest possible time because there was no guarantee of long-term occupation. The Bill proposed that contracts taken out prior to the enactment of the ALTO [Agricultural Landlord and Tenants Ordinance] legislation be extended automatically at the option of the tenants except where the land had already fallen into reserves or where the tenant had shown bad husbandry. All existing leases should be extended by two ten year periods and

24 Legislative Council Debate, 20 July 1966.

a fair market rent assessed every five years. Annual tenancies were abolished along with tenancies-at-will (whereby tenants had to pay monthly rent while their application for extension of their lease was being considered), and which could take as long as a year to be processed. Share-farming was controlled, and while tenants could not receive compensation for improvements they had made, they at least now enjoyed the security of two extensions. Patel's proposal to the Committee for perpetual tenancy was rejected, but that was not surprising.

The Bill provoked a very heated debate in the Legislative Council. Patel supported it in the end, with, as he said, 'a feeling of ambivalence.' It did not provide the tenants with the security he would have liked, but it was an improvement. The Bill had bought time. 'We are not finding a permanent solution to the problem but we are, by this Bill, providing an immediate relief and remedy which may last for twenty years and within those twenty years this country, I hope, will make great advances in economic development which will result in relieving pressure on the land and increasing the prosperity of the country, which will result in increasing the number of tenants of all races, including the Fijians, so that at the time when it comes to revise our thinking and to find a solution, there will be as strong and as numerous a body of Fijian tenants as there are of Indian tenants now.' This would help in securing a solution, or at least remove race from the equation.

Fijians should be encouraged to enter commercial cultivation, Patel said, but he warned against over-optimism. If the Fijian landlords gave in to the temptation to re-possess land already in a good state of production, 'it will only result in uprooting farmers who have been experienced over all these years, farmers who have specialised in growing particular crops which they are growing on those lands, such farmers of necessity will face utter ruin and the land which will revert to the Fijian owners will, of necessity, go down in production.' Meanwhile, the uprooted farmers—Patel called them nomadic farmers—would be removed to virgin or marginal land, and would have to start all over again. 'That sort of treatment will terribly shake the confidence of the farmers both as far as their own personal interests and their profession is concerned, and also in the training of the future generations.'

Fijian appetite for commercial competition was whetted by the prospect of prosperity in the sugar industry. That was understandable, Patel argued, but shouldn't the already large areas placed in reserves be used first before displacing the Indian tenants from their leases? Prospects in the sugar industry looked attractive, but there were dangers as well. The industry had had its ups and downs and there was no guarantee that this would not happen again. Indian farmers had time and again rescued the industry from ruin. 'It was because of their innate temperament for hard work and thrift [that they succeeded]. They know how to live on as little as they can get as well as live on the utmost

limits of luxury and comfort that they can afford.' There was enough room for expansion in the sugar industry to accommodate Fijian growers, but that could be done without displacing the existing Indian tenants.

As to be expected, the Agricultural Landlord and Tenant debate aroused strong interest and heated exchanges. Semesa Sikivou, at the peak of his powers and an acknowledged champion of Fijian rights and aspirations, attacked Patel in terms that could be constituted unparliamentary. Patel reminded him of rats who would sneak into his smelly socks at Vulagei during the Second World War. 'Rats would sneak in and blow gently, take a little bite, then blow and take another bite, taking something out of you and yet covering up afterwards, soothing, soothing, soothing, as it bit. Patel reminded me of that.' Patel, Sikivou said, was an acrobat, full of tricks. He was referring to Patel's performance in the debate. At one moment, Patel seemed to be supporting the Bill, albeit half-heartedly, while in the next breath, he excoriated it. He was a member of government, and yet he was critical of it. Sikivou was frustrated, angry and perplexed. It was the crafty Patel at work again. Referring indirectly to Patel, Sikivou said: 'Perhaps many people do not realise that certain people in this country have only got to put up a suggestion and others rally round and tell them the answer is 'No, this must be no good'. Patel had that kind of effect on his opponents. But this was not the last time that land would come up for discussion. The Bill was approved but it remained in limbo because the Membership System was dissolved and the ministerial system of government introduced following the promulgation of a new constitution in 1967. At the time of his death in 1969, Patel was a member of the newly constituted Agricultural Landlord and Tenant Committee, chaired by Ian Thompson.

Semesa Sikivou's criticism of Patel revealed an important tension inherent in the Membership system. Patel was an elected member with responsibility to his party and his constituency and yet at the same time he was bound by the rules and procedures of collective responsibility as a member of government. This placed Patel in a difficult position. For the most part, though, the system worked well, not least because there was a genuine desire on all sides to make it succeed. It required considerable astuteness and dexterity on the part of the Members, particularly Patel, who stood for interests and groups which had much to gain from change. In other circumstances, Patel might well have opposed the Landlord and Tenant Bill, but as a Member, he supported its provisions while clearly indicating his concern about broader issues, such as the government's reserves policy. By the time Patel finished his speech in the Legislative Council, there was no doubt in anyone's mind where he stood.

The Members also used surrogates to make their points in debates in which they themselves might have found it too sensitive or difficult to participate. For Patel, Koya provided the perfect proxy. While Patel sat on the official benches,

Koya became the crusading, uncompromising champion of Indian rights, a take-no-hostages kind of performer in Council debates. He criticised Bills, opposed motions, took on the opposition. Chirag Ali Shah and James Madhavan also made their contribution, but in a much more restrained, moderate way. Koya played the same role for Patel that Sikivou played for Ratu Mara who adopted a measured, statesman like approach, above the fray of ordinary politicking. Sikivou, on the other hand, seemed to be the very opposite, an uncompromising champion of Fijian nationalism, quick on his feet, disruptive in debate, baiting the opposition with his barbed interjections and cutting remarks. Only he could call Patel a rat, a duplicitous dealer, and get away with it, such was his reputation (or otherwise) as a debater in the Council.

Sometimes, the Members avoided complicated issues which could compromise their political credibility or undermine their public positions, by submitting separate minority reports. A case in point for Patel was the Report of the Fiscal Review Committee.²⁵ He was a member of the nine-member committee, along with Ratu Mara. He had been appointed shortly before being made the Member for Social Services. The Fiscal Review Committee, as the name suggests, was asked to review the financial position of Fiji, and to recommend ways of increasing the colony's revenue. It made several far-reaching recommendations, among them the imposition of the Basic Tax on all wage earners of the colony at the rate of 6 pennies per pound earned. Patel objected. He wrote: 'It is grossly iniquitous because it does not take into consideration the taxable capacity of the income earner and the incidence falls heaviest on those who are least able to bear it. There are thousands of Fijians, Indians and part-Europeans who live just on the breadline or even under that line. As it is, these people find it hard to meet the school fees for their children. A basic tax of this nature will further increase their inability to pay school fees for their children, and in many cases it would result in further privation and suffering in poorer families.'

Patel was attacked by Semesa Sikivou, among others, for dissenting, and was asked to resign for breaching the collective responsibility principle of the membership system of government. Patel dismissed such attacks. He was selected to serve on the Committee in his individual capacity, not in his official capacity as the Member of Social Services. He had given the government his candid advice. It was for the government to decide whether to accept or reject that advice; no fiscal measure had yet been formulated. It would be wrong for himself or any other member of the Committee to 'insist that every word that they have recommended must be accepted by the Government,' and to threaten resignation if a compromise policy were adopted. 'It must be remembered that we are the Members of what I call a conglomerate government. We all represent different conflicting interests; we have got to harmonise these interests; we have

25 Legislative Council Paper 33/1964.

got to make compromises day to day if we [are to] make such a government function.' It was not an easy task to accomplish. It was easier to be a sectional politician than a statesman in such a government. But Patel went on, 'A statesman has got to look to the next generation. A politician usually looks to the next election.' The question of resigning was for his conscience to decide. 'The day my conscience tells me that I am no use to my country by occupying this seat on the Government I will vacate it without hesitation.'

There were times when Patel was sorely tempted to resign. The coverage of confidential discussions surrounding the 1965 constitutional conference by the Fiji Broadcasting Commission had so vexed Patel that he wrote to the Governor in April 1965 complaining about distortions and, as he saw them, outright lies about himself and his party's position on important issues. In one of his speeches Patel said that he was an 'optimist' and an 'economist' (why use three words when two will do). The public heard that Patel had claimed himself to be an 'opportunist' and a 'communist'! Patel said he found it very difficult to be a member of a government that condoned such behaviour in one of its own departments. The correct procedure, Governor Jakeway told Patel, was to refer any instances of mis-conduct or negligence for investigation to the Colonial Secretary or to the Broadcasting Commission itself. Jakeway reminded Patel that membership of Executive Council involved participation in the Government; it did not stifle criticism of Government, its officers or statutory bodies but it did imply directing such criticism through appropriate channels. A member could not enjoy the advantage of operating from the inside and retain all the freedom of being on the outside. Patel could not have it both ways. Jakeway went on:

I value your membership of Executive Council and believe it to be in the national interest that you should continue to be a member and to retain your portfolio. I realise that this from time to time presents you with a conflict of loyalties, and I have hitherto much admired the way in which you have reconciled that conflict. At this juncture, in particular, it would be a setback to the ideal of national unity for which we are both striving if the leader of the majority Indian party withdrew from the Government. If you share this view I hope you will refrain from active association with words or deeds which make it impossible to reconcile your continuation in the Government with the principle of collective responsibility and the conventions which surround that principle.²⁶

The Membership system of government was a transitional phase on the road to full internal self-government. It came to an end in July 1966, when fresh

26 Letter in Patel's private papers.

elections were held following the London constitutional conference of 1965. In the new Legislative Council, A.D. Patel would become Fiji's first Leader of the Opposition.

The Legislative Council in the 1960s provided a wonderfully vigorous arena for debate and discussion in Fiji. Members defended party positions and deeply held political convictions and issues of particular concern to their respective social and ethnic constituencies. They decided issues and formulated policies which laid the foundations of modern Fiji. These debates remain unparalleled in their intensity, texture and quality. The flair and fluency with which members articulated their views and vision remains unmatched. Perhaps the 1960s was the high water mark for parliamentary debates in Fiji. Much of the discussion in the Legislative Council was taken up with social, economic and political issues that impinged directly on the practical affairs of the colony. Nonetheless, there were a few occasions when the members were called upon to express opinions on issues which transcended parochial and sectional interests, issues which went to the core of some of the basic moral debates about the nature of human society. One such issue in the 1960s was the abolition of the death penalty. Members were freed of their political and official obligations to speak their minds freely. It was, in other words, a 'conscience' debate, and it remains, in my view, one of the finest debates in the annals of the Fiji Legislative Council.²⁷

Arguments and evidence were marshalled on both sides. Ratu Mara cited St Thomas Aquinas' principle of natural equity for his opposition to the abolition of capital punishment. The principle held 'that a man should be deprived of the good against which he acts, for he thereby renders himself unworthy of it.' Just because England had abolished the death penalty—which had made the abolition of capital punishment a 'status symbol of civilisation'—did not mean that Fiji had to follow suit. Life sentence was not an effective enough deterrent for murder; 'capital punishment is a real deterrent to taking the life of others and disturbing society.' C.P. Singh agreed, saying that if capital punishment was retained, 'people would be more scared of losing their own lives to take somebody else's life.' Ratu Edward Cakobau also favoured capital punishment. 'I have killed, and I have nearly been killed. If I were to be murdered, I do hope that the man who murders me will be hanged.' Ratu Penaia Ganilau had 'no sympathy whatsoever for any man who has planned to deliberately take away the life of another man.' The murderer deserved the gallows and I would, myself, if I were a murderer, prefer to go that way' Koya agreed: the society was entitled, for its own preservation, to tell a convicted murderer that he had no place in decent human society.

27 Legislative Council Debate.

Equally strongly held views came from those who opposed the death penalty. For once, John Falvey, Semesa Sikivou, Andrew Deoki and A.D. Patel were on the same side in a debate! Patel reminded the members that two decades before, he had opposed the death penalty but then he had been a lone voice in the wilderness. He opposed the death penalty because 'non-violence and non-killing is the very essence of my upbringing' as a Hindu. He was taught that life is sacred and that 'it must not be taken under any circumstances.' An eye for an eye and a tooth for a tooth was no answer, Patel said. He held his eyesight precious, and if a man offered him the alternative of losing his life or his eyesight, he would opt for the former. 'But if he puts my eye out, he will be sentenced to imprisonment; his eyes will not be put out by the State. If a man burns my house, I cannot ask the government to burn his house.' So it was not a simple question of punishment being the same in nature as the crime. 'We have got to find adequate and proper punishment for the person who has committed the offence and, at the same time will deter others from committing such a crime.'

To the argument that some murders—of a policeman in the discharge of his or her duty, for example—were more serious than others and thus deserved a higher penalty, Patel responded this way. People in public life were all taking risks: the magistrate, the judge, the counsel defending a criminal. 'Now, supposing a man who has been sent to gaol by the magistrate, after he has served his sentence, feels very annoyed with the magistrate for sending him to gaol, comes back and murders the magistrate. Is that any less serious than if he kills the policemen?' Killing a policeman would lead to anarchy, and threaten the entire foundation of society, argued those who favoured capital punishment. But to Patel, 'any murder is an act of anarchy.' 'Why should a man who, for instance, murders a Governor be liable to imprisonment for life and a man who murders a constable be hanged?'

Patel exposed the same sort of tenuous logic in the view that held that prisoners committing murder should be sent to the gallows. 'Supposing a man has committed some petty offence and he has been sentenced to gaol for six months and he has been ordered to serve his sentence extramurally, and while he is a prisoner serving his extramural sentence, murders somebody with whom he has a private grudge. Why should he be hanged just because at that time he happened to be a prisoner serving an extramural sentence. If he had committed the same murder before he was prisoner or after he had served his imprisonment what serious difference does it make to the heinousness of his crime, to the gravity of the crime?'

Capital punishment had not, and never had been, a complete and universal deterrent, Patel went on. Murders were committed in countries in spite of the provision of capital punishment. 'Merely providing for a deterrent has never

kept the prisons empty or the country free of crime. If it were so, then we would not need an efficient Police Force. All that we have to do is to enact laws providing for these sentences, people would be simply frightened of the sentences and would desist from committing crimes. But that does not happen.’ Fiji had a very high murder and suicide rate during indenture, one of the highest among Indian indentured labour importing colonies; death penalty had not acted as a deterrent. But both declined dramatically after indenture as social conditions improved. Murders, like so many other social problems, had their root in ‘maladjustment of human relationships,’ and in poverty. People did not kill each other just for the fun of it, as sometimes happened in western countries, Patel argued. ‘We are, on the whole, a better behaved community.’

Patel then referred to an incident that Ratu Mara had used to justify his support for the retention of capital punishment. As a young man growing up in Lakeba, Mara had been deeply distressed by the murder of a Chinese storekeeper, the only murder to have taken place on the island. It was the fear of capital punishment that had acted as real deterrent to murder and mayhem in the distant islands in the Koro Sea. Patel turned Mara’s evidence on its head. The fact that in all these years only one murder had taken place in Lakeba, where police presence was minimal, spoke not in favour of the death sentence, but in favour of the ‘natural peaceful disposition of the people of the country and good human feelings prevailing there.’ As long as those good relations remained, and cases of maladjustment reduced, there was every reason to expect a corresponding reduction in the crime rate. The abolition of the death penalty was a humanitarian gesture, Patel concluded. It was wise to extend that gesture both to the victims as well as to prospective murderers. He alluded to his experience as the lawyer who had defended the largest number of murder cases in the colony. In all those years he had never come across a person who did not have the potential for good in him. Men had been driven to murder for various reasons, but they were not brutes. The death sentence would not do anyone any good. Instead, he pleaded for the life sentence which, he hoped, ‘will be used in touching his humanity so that he becomes again, a decent, normal human being.’ The death penalty was suspended and abolished altogether a decade later.